By Mr. PATTEN of New York: Petition of citizens of New York City, against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Manhattan Camp, No. 1, United Spanish War Veterans, for enactment of House bill 17470; to the Committee on Pensions.

By Mr. PICKETT: Papers to accompany bill for the relief of Washington W. Edgington; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of Wholesale Dealers' Association, against passage of interstate liquor legislation; to the Committee on the Judiciary.

Also, petition of citizens of Johnsonville, Cal., for old-age pension bill; to the Committee on Pensions.

Also, petition of the Chamber of Commerce of Oroville, Cal., against reduction of the duty on olive oil; to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Ferndale, Cal., for enactment of House bill 16841; to the Committee on Appropriations.

By Mr. REILLY: Petition of the Connecticut Dairymen's Association, against repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of the Connecticut Dairymen's Association, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, resolution of the Illinois Retail Hardware Association, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: Memorial of the National Committee for Mental Hygiene, for examination of arriving immigrants for mental defects; to the Committee on Immigration and Naturalization.

By Mr. SHARP: Petitions of citizens of the fourteenth congressional district of Ohio, for old-age pension legislation; to the Committee on Pensions.

Also, Memorial of Seventh-day Adventist Church of Mansfield, Ohio, protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ashland, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of churches and church organizations in the State of Ohio, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Memorial of the Ministerial Union of Los Angeles, Cal., relating to the Mormon Church or Church of Latter-day Saints; to the Committee on the Judiciary.

Also, memorial of the Chamber of Commerce of Los Angeles, Cal., protesting against passage of the Sherwood bill relating to motor boats on navigable waters; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Los Angeles Clearing House Association, favoring the continuance of the mint at San Francisco, Cal.; to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENS of Nebraska: Petition of Chris H. Johnson and others, of Schuyler, Nebr., in favor of Federal-pay bill for the National Guard; to the Committee on Military Affairs.

By Mr. TAGGART: Petition of citizens of the State of Kansas, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Petition of the First United Presbyterian Church and of the Calvary Church of the Evangelical Association, of Colorado Springs, Colo., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of citizens of Glen Ridge, N. J., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions and churches in the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. UTTER: Papers to accompany House bill 21165, granting an increase of pension to Sarah E. Stoddard; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 21166, for the relief of Assadoor M. Der Hohanessian; to the Committee on Claims.

Also, petition of Gaspee Chapter, Daughters of the American Revolution, of Rhode Island, favoring the bill for the Publication of certain Revolutionary records; to the Committee on Appropriations.

Resolution of Pomona Grange, Patrons of Husbandry, of Washington County, R. I., favoring the Lever bill for the endowment of an extension department in the land-grant colleges; to the Committee on Agriculture.

Also, petition of the Young People's Social Christian Endeavor of First Presbyterian Church of Woonsocket, R. I., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WEBB: Petitions of Mr. J. N. Sloan and 12 other citizens of Charlotte, N. C., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Petition of citizens of Lenawee and Monroe Counties, Mich., against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Monroe, Mich., for passage of House bill 16214; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of Grange No. 1669, Pike Township, Stark County, Ohio, against repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, memorial of Stark County (Ohio) Sunday School Association, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 13914, a bill authorizing the erection of a post-office building at Urbana, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG of Kansas: Petitions of Long Island and of Decatur County, Kans., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *March 4, 1912.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

SURVEY OF PUBLIC LANDS (S. DOC. NO. 375).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, submitting, by direction of the President, a proposed amendment to the estimate for an appropriation for surveying the public lands contained in the Book of Estimates for the fiscal year ending June 30, 1913, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ROADS IN ALASKA (S. DOC. NO. 376).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, of the 28th ultimo, submitting a supplemental estimate of appropriation in the sum of $125,000 required by the Board of Road Commissioners for Alaska for the construction, maintenance, and repair of military and post roads, bridges, and trails in Alaska for the fiscal year ending June 30, 1912, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (S. 4551) to extend the time for the completion of a dam across the Savannah River, at or near the mouth of Stevens Creek, between the counties of Edgefield, S. C., and Columbia, Ga., authorized by an act approved August 5, 1909, which has previously been signed by the Speaker of the House of Representatives.

BENJAMIN F. MARTZ.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2453) for the relief of Benjamin F. Martz, and for other purposes, which was, on page 1, line 13, after the word "quarter," where it first appears in that line, to insert "and the northeast quarter."

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CLAIMS FOR INJURIES TO GOVERNMENT EMPLOYEES.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate numbered 3 to the bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

Mr. TOWNSEND. I move that the Senate recede from its amendment numbered 3.

The motion was agreed to.

The VICE PRESIDENT. That disposes of the whole matter?
Mr. TOWNSEND. It disposes of the whole matter.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Young Woman's Christian Temperance Union of Mount Vernon, N. Y., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, importation, or sale of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of sundry citizens of St. Petersburg, Fla., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Association of Tug Firemen and Linemen of the Great Lakes, favoring appropriations for the deepening and widening of the channels of the Great Lakes, which were referred to the Committee on Commerce.

He also presented a memorial of the Central Federated Union of Greater New York, remonstrating against any appropriation being made for the celebration of the ratification of the proposed treaty of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

He also presented petitions of Woman's Protective Union No. 11752, of San Juan; the Hod Carriers and Building Laborers' Local Union of San Juan; the Journeymen Barbers' Local Union of San Juan; the Free Federation of Workingmen of Porto Rico; of the Bricklayers' Local Union of San Juan; of the Typographical Local Union of San Juan; and of the Painters, Decorators, and Paperhangers' Local Union of San Juan, all in the Territory of Porto Rico, praying for the creation of a department of labor and agriculture in that Territory, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Woman's Protective Union, No. 11752, of San Juan; the Hod Carriers and Building Laborers' Local Union, of San Juan; the Journeymen Barbers' Local Union of San Juan; the Free Federation of Workingmen of Porto Rico; of the Bricklayers' Local Union of San Juan; of the Typographical Local Union, of San Juan; and of the Painters, Decorators, and Paper Hangers' Local Union of San Juan, all in the Territory of Porto Rico, praying for the enactment of legislation giving citizens of Porto Rico the right to be citizens of the United States, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of McMinnville and Jackson County, in the State of Oregon, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of R. C. Emery, of Hampton, N. H., praying for the enactment of legislation to regulate immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Federation of Women's Clubs of New Hampshire, praying for the enactment of legislation to provide uniform child-labor laws, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Laconia, Greenville, and North Charlestown, all in the State of New Hampshire, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. CULLOM presented memorials of members of the Wolfe-Tone Club, of Youngstown, Ohio, and of the Irish-American Progressive Society, of Denver, Colo., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented memorials of sundry citizens of North Attleboro and Fall River, in the State of Massachusetts, and of the Central Council of Irish-American Societies of Kansas City, Mo., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, unless amended as reported by the Senate Committee on Foreign Relations, and also for the ratification of a similar treaty with Germany, which were ordered to lie on the table.

He also presented a petition of the congregation of the Friends Church of Alamitos, Cal., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a petition of Local Union No. 52, International Brick, Tile, and Terra Cotta Workers' Alliance, of Streator, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Commercial Club of East Moline, Ill., praying for the establishment of a free-mail-delivery system in towns, cities, and villages with a population of over 1,000, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Manufacturers and Shippers' Association of Rockford, Ill., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Retail Merchants' Association of Illinois, in convention at Belleville, Ill., favoring the establishment of an international commission to inquire into the cause or causes of the high cost of living, which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Peoria, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 243, United Garment Workers of America, of Galesburg, Ill., praying for the enactment of legislation to authorize the construction of one of the proposed new battleships at the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Morgan County, Ill., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE. I present a telegram, in the nature of a memorial, from citizens of Fall River, Mass., remonstrating against the ratification of the proposed arbitration treaties in their original form. The telegram is very brief. I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

FALL RIVER, MASS., *March 3, 1912.*

Hon. HENRY CABOT LODGE, *Senator, Washington, D. C.:*

Fall River citizens, in meeting assembled, protest proposed arbitration treaties in original form. Favor Lodge amendment, which leaves control of American affairs in control of United States Senate.

MICHAEL MOONEY.

Mr. BRIGGS presented petitions of the Woman's Christian Temperance Unions of Woodbury, Riverton, and Daretown; the Presbyterian Church of Pennington; the First Baptist Church of Cape May City; the Pittsgrove Baptist Church, of Daretown; the Macedonia Church, of Camden; the Methodist Episcopal Church of Moorstown; the Pittsgrove Presbyterian Church, of Daretown; and the Society of Friends of Mount Holly; the Civic Club of Arlington; the German-Irish Alliance of Newark; the Epworth League of Rutherford; the German-American Central Association of Elizabeth; the Federated Churches of Essex County, of Newark; the German-American Central Alliance of Newark; the Rutherford Baptist Church; the Woman's Christian Temperance Unions of Belvidere and Pennington; the Methodist Brotherhood and St. Paul's Methodist Episcopal Church of Paulsboro; the Methodist Episcopal Church of Belvidere; and sundry citizens of Irvington and Manalopan, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bloomfield, Jersey City, Elizabeth, and Newark, all in the State of New Jersey, praying that an appropriation be made for the construction of a highway from Washington, D. C., to Gettysburg, Pa., as a national memorial to Abraham Lincoln, which were referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Tenafly and Bridgeton, in the State of New Jersey, praying for the enactment of legislation to permit any corporation, joint-stock company or association, or insurance company to change the date of filing its annual income from the close of the calendar year to the close of its own fiscal year, which were referred to the Committee on Finance.

He also presented petitions of the Moorestown Equal Suffrage Association; the First Church of Christ, Scientist, of Rutherford; the Woman's Christian Temperance Union of Haddonfield; the Half Hour Reading Club of Merchantville; and sundry citizens of Ampere, Upper Montclair, Hawthorn, Haddonfield, Morristown, and Greenville, all in the State of New Jersey; and of A. D. Juillard & Co., of New York, praying for

the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

He also presented a petition of John Hill Post, No. 86, Grand Army of the Republic, Department of New Jersey, of Boonton, N. J., and a petition of A. T. A. Torbet Post, No. 24, Grand Army of the Republic, Department of New Jersey, of Morristown, N. J., for the passage of the so-called dollar-a-day pension bill, which were ordered to lie on the table.

He also presented a petition of members of the Board of Education of Kearney, N. J., praying that an appropriation be made for the preservation of captured flags and banners in the possession of the United States Naval Academy, Annapolis, Md., which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Salem and Bridgeton, in the State of New Jersey, praying for the enactment of legislation to permit American ships sailing between two ports in this country to pass free through the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of members of the Civic Club of the Oranges, of Orange, N. J., praying for the enactment of legislation to provide for the preservation of the machinery and material used in the construction of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Belmar, N. J., remonstrating against the imposition of a tax on proprietary medicines, which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Camden, N. J., praying for the enactment of legislation to extend the right of execution throughout the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Branch No. 370, National Association of Letter Carriers, of Atlantic City, N. J., praying for the enactment of legislation providing for the retirement of employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of Local Lodge No. 167, International Association of Machinists, of Plainfield, N. J., remonstrating against any reduction of the duty on steel, which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of members of the Promotion Association of Sisson, Cal., praying for the enactment of legislation providing for the establishment of a national park at Mount Shasta, in that State, which was referred to the Committee on Public Lands.

He also presented petitions of the congregations of the Methodist Episcopal Church, the Congregational Church, and the First Presbyterian Church, all of Hayward; of the Methodist Episcopal Church, the Congregational Church, the Epworth Methodist Church, the First Baptist Church, the Wesley Methodist Episcopal Church, the Trinity Methodist Episcopal Church, and the Calvary Presbyterian Church, all of Berkeley; of the United Brethren Church of Stockton; of the Presbyterian Church of Melrose; and of the Woman's Christian Temperance Union of Berkeley, all in the State of California, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Ferndale, Cal., and a petition of the Chamber of Commerce of Los Gatos, Cal., praying that an appropriation of $1,000,000 be made for the improvement of the Yosemite National Park, which were referred to the Committee on Appropriations.

He also presented a petition of General Otis Camp, No. 1, United Spanish War Veterans, Department of California, of Los Angeles, Cal., and a petition of the Auxiliary to Spanish War Veterans, of Berkeley, Cal., praying for the enactment of legislation to pension widows and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Auburn, Cal., praying for the enactment of legislation providing for the establishment of a mining experiment station at Auburn, Cal., which was referred to the Committee on Mines and Mining.

He also presented a petition of members of the California Club of San Francisco, Cal., praying for the enactment of legislation giving the right of franchise to every native-born American woman of the United States, irrespective of the nationality of her husband, which was referred to the Committee on Woman Suffrage.

He also presented a memorial of the Business Men's Association, of Oroville, Cal., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented petitions of sundry citizens of Milford, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented petitions of sundry citizens of Minden, Arcadia, Monroe, and Rayville, all in the State of Louisiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. GARDNER presented a petition of the Woman's Christian Temperance Union, of Old Orchard, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of Harraseeket Grange, Patrons of Husbandry, of Freeport, Me., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented a memorial of the Central Council of the Thirty-second Irish County Associations, of Boston, Mass., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. HITCHCOCK presented petitions of sundry citizens of Wausa, Miller, Valentine, and Arabia, all in the State of Nebraska, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Farmers' Institute of Broken Bow, Nebr., praying for the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry members of the Nebraska National Guard, residents of Kearney, Nebr., praying for the enactment of legislation to regulate the pay of the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Irish Nationalists of Ohio, in convention at Columbus, Ohio, and a resolution adopted by the St. Patrick's Alliance of New Jersey, in convention at Newark, N. J., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CULBERSON presented memorials of sundry citizens of Cuero and Wortham, in the State of Texas, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Newport Lodge, No. 119, International Association of Machinists, of Newport, R. I., and a petition of Local Union No. 19, International Union of Steam Engineers, of Fort Wayne, Ind., praying for the passage of the so-called eight-hour bill, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of South Bend, Ind., praying for the adoption of certain amendments to the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of St. Joseph Valley Grange, No. 584, Patrons of Husbandry, of South Bend, Ind., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 481, International Brotherhood of Electrical Workers, of Indianapolis, Ind., praying that an investigation be made into the condition of the textile workers' strike at Lawrence, Mass., which was ordered to lie on the table.

Mr. JOHNSTON of Alabama presented memorials of sundry citizens of Wetumpka and Opelika, in the State of Alabama, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIAMS presented a petition of the Woman's Christian Temperance Union of Tupelo, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a memorial of sundry citizens of South Dakota, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Luffman, S. Dak., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Onida and Blunt, in the State of South Dakota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. NELSON presented a petition by Camp John C. McEwen, No. 6, United Spanish War Veterans, of Duluth, Minn., praying for the enactment of legislation to provide pensions for the widows and orphans of Spanish-American War veterans, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Faribault and Freeport, in the State of Minnesota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Albert Lea, Le Sueur, and Cleveland, all in the State of Minnesota, praying for the enactment of legislation to prevent the nullification of State liquor laws by outside liquor dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of the St. Anthony's Society of Minnesota, remonstrating against the enactment of legislation to prohibit American citizens employed in Catholic Indian missions from wearing the garb of religious orders, which was referred to the Committee on Indian Affairs.

Mr. KERN presented a petition of sundry citizens of Hammond, Ind., praying for the passage of the so-called dollar-a-day pension bill, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Kokomo and Loogootee, in the State of Indiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 481, International Brotherhood of Electrical Workers, of Indianapolis, Ind., praying that an investigation be made into the labor-strike conditions at Lawrence, Mass., which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of A. Wilder Merriam Camp, No. 16, Department of Connecticut, United Spanish War Veterans, of Putnam, Conn., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Congregational Church of West Stafford, Conn., and a petition of sundry citizens of Stafford and South Norwalk, Conn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Connecticut Dairymen's Association, in convention at Hartford, Conn., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Connecticut Dairymen's Association, in convention at Hartford, Conn., favoring the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of South Manchester, Conn., remonstrating against the repeal of the anti-canteen law, which was referred to the Committee on Military Affairs.

Mr. PAGE presented petitions of the congregations of the Methodist Episcopal Church and the First Congregational Church of Morrisville, in the State of Vermont, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of sundry citizens of Blackstone Valley, R. I., remonstrating against the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, members of the bar, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. CRANE presented a petition of sundry citizens of Massachusetts, praying for the ratification of the pending treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2558) making an appropriation of public money to install an elevator in the United States public building at Martinsburg, W. Va., reported it with amendments and submitted a report (No. 442) thereon.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4655) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire, reported it with amendments and submitted a report (No. 444) thereon.

Mr. SUTHERLAND. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2221) to provide for the purchase of a site and the erection of a public building thereon at Franklin, in the State of New Hampshire, to report it adversely. The bill is identical with the bill just reported by me from the committee. I move its indefinite postponement.

The motion was agreed to.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2270) to provide for the erection of a public building at Richfield, Utah, reported it with an amendment and submitted a report (No. 443) thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3974. A bill to increase the limit of cost of the United States public building at Denver, Colo. (Rept. No. 445); and

S. 4144. A bill to increase the limit of cost of the United States post-office building at Greeley, Colo. (Rept. No. 446).

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 440), accompanied by a bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills, heretofore referred to that committee:

S. 345. Alfred Faucher.
S. 892. George W. Simmons.
S. 1368. John W. Barnes.
S. 2157. Thomas Gorman.
S. 2711. Alan P. Wilson.
S. 3137. John H. Mumaw.
S. 3270. Richard Burnside.
S. 3683. James Petree.
S. 3755. Bertha B. Byrne.
S. 4018. George Berry.
S. 4132. Roberson Ford.
S. 4503. Allen Tyler.
S. 4538. Willoughby Churchill.
S. 4612. John McCombs.
S. 4765. Anne Jones Banks.
S. 4814. Emily Whitman.
S. 4875. Frank H. Lasher.
S. 4914. George A. Wageck.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 441) accompanied by a bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 52. John Brown.
S. 189. Elizabeth S. Phillips.
S. 369. Urban Coon.
S. 383. George Kent.
S. 510. William J. Lambdin.
S. 512. Samuel D. Fulmer.
S. 515. Josephine P. Whitney.
S. 692. Henry Andrews (alias William J. Bowers).
S. 694. William J. Benton.
S. 696. Frank L. Fisher.

S. 698. William P. Thompson.
S. 788. Benjamin F. Reed.
S. 924. Virginia H. Morgan.
S. 1049. James A. Hunt.
S. 1133. Calvin Smith.
S. 1482. Mary S. Tucker.
S. 1546. John C. Carpenter.
S. 1547. William Turner.
S. 1548. Francis Marion Keith.
S. 1945. Karl Somerlatt.
S. 1976. Ira N. Levalley.
S. 1977. William Akin.
S. 1992. John L. Reese.
S. 2010. Ransom W. Bailey.
S. 2108. Horace R. Weston.
S. 2178. William Barker.
S. 2348. John West.
S. 2369. William H. Tinkham.
S. 2519. Frederick J. Thilke.
S. 2526. Christopher G. Burdick.
S. 2582. Ambrose Roan.
S. 2595. Henry G. Trimble.
S. 2714. Charles C. Warner.
S. 2716. John Hollabaugh.
S. 2725. Maggie L. Zachary.
S. 2755. John Rosswork.
S. 2770. Eugene O. Pratt.
S. 2830. Robie M. Towle.
S. 2929. John J. Evans.
S. 3043. Henry M. Endsley.
S. 3057. John X. Eichel.
S. 3084. Andrew J. Board.
S. 3140. George McCrea.
S. 3142. Joseph B. Hill.
S. 3153. Samuel A. Pearce.
S. 3205. Henry Dye.
S. 3251. Andrew Randall.
S. 3314. William H. Donaldson.
S. 3320. Samuel T. Hawkins.
S. 3321. Jacob C. Mitts.
S. 3343. Martin L. Galyean.
S. 3456. William M. Blose.
S. 3594. Patrick Sullivan.
S. 3606. John Clopine.
S. 3627. William C. Williams.
S. 3628. Henry Bargerstock.
S. 3794. Willard M. Walker.
S. 3795. John Ghastin.
S. 3890. John S. Sullivan.
S. 3891. Charles W. Holmes.
S. 3904. Johnston R. Lambright.
S. 3907. Aaron H. Thatcher.
S. 4035. Milton Green.
S. 4155. Alfred Kent.
S. 4182. Benjamin Miller.
S. 4253. Ezra J. Crocker.
S. 4323. George F. Davlin.
S. 4497. Benjamin E. Westfall.
S. 4666. George H. Pierce.
S. 4720. Alexander A. Richardson.
S. 4722. John M. Mower.
S. 4830. William M. Bradley.
S. 4876. Catherine Downs.
S. 4880. Olive C. Morrill.
S. 4917. Gerret G. Seger.
S. 4918. Benjamin F. Whitehouse.
S. 4950. John Jones.
S. 5161. Andrew Geist.
S. 5197. Eri Guthrie.
S. 5223. Catharine Ann Leonard.
S. 5225. Clarence L. Miles.
S. 5249. Mary Ryder.
S. 5259. John H. Klingler.
S. 5261. Henry Marble.
S. 5368. John C. Bryant.
S. 5392. Charles D. Wilson.

Mr. CHILTON, from the Committee on the Judiciary, to which was referred the bill (S. 3846) to authorize a waiver of trial by jury in the district courts of the United States, reported it without amendment.

PAYMENT OF MONEY IN POLITICAL CAMPAIGNS.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment Senate resolution 79, offered by the Senator from Texas [Mr. CULBERSON] June 22, 1911, and I submit a report (No. 447) thereon.

The resolution was read, as follows:

Resolved, First. That the Committee on Privileges and Elections of the Senate be, and it is hereby, directed to inquire and report to the Senate as early as practicable the amount of money subscribed and paid to every committee of any political party or to any member of such committee, or to any person acting under the authority of or on behalf of such committee as treasurer or otherwise, by any person, firm, association, corporation, or committee to influence the result, or attempt to influence the result, of the election November 8, 1904, and November 3, 1908, at which Representatives in the Congress of the United States were elected, giving the names of such persons, firms, associations, corporations, or committees and the respective amounts subscribed and paid by each of them as aforesaid.

Second. That said committee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of the Congress; to hold sessions at such place or places as it may deem most convenient for the purposes of this inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to send for persons, books, records, and papers; to administer oaths; and that the expenses of the inquiry be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Third. That said committee shall also report to the Senate what measures, if any, are necessary to further prohibit or curtail such subscriptions and payments so as to lessen and confine them to proper and legitimate objects in relation to such elections and prevent the undue or corrupt use of money in such elections.

The VICE PRESIDENT. The amendment of the committee will be stated.

Mr. LODGE. Has present consideration been asked?

The VICE PRESIDENT. It has been asked, the Chair understands; but the committee report an amendment and the question will not be put until the amendment has been read.

Mr. LODGE. I will let the amendment be read.

Mr. BRIGGS. I did not ask for the present consideration of the resolution.

The VICE PRESIDENT. The Chair apologizes.

Mr. CULBERSON. I ask that the amendment be read and that the report of the committee, if it is in writing, be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 1, lines 4 and 5, strike out the words "every committee of any political party" and insert in lieu thereof "the national committees of all political parties and the national congressional campaign committees of all political parties."

The VICE PRESIDENT. The resolution will go to the calendar.

Mr. BRIGGS. I call attention to the report.

Mr. CULBERSON. I ask that the report, if there is a written report, be read. This was a preliminary reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection the report will be read.

The Secretary read the report this day submitted by Mr. BRIGGS, as follows:

This resolution as amended is reported to the Senate by the Committee to Audit and Control the Contingent Expenses of the Senate with a favorable recommendation. In making this recommendation the committee disclaims any purpose to indicate whether the inquiry should be made or not; those matters being left, as they must be left, to the future action of the Senate, but intends by its action to provide the money necessary for this inquiry if an inquiry be made.

Mr. CULBERSON. Now, Mr. President, a parliamentary inquiry. The resolution having been referred primarily to the Committee to Audit and Control the Contingent Expenses of the Senate as a preliminary question, is it necessary for the Senate to adopt the report before it commits itself to the payment of this money, if the inquiry is ordered, out of the contingent fund of the Senate? In other words, I have no disposition to press the Senate for the consideration of the resolution without a reference to the Committee on Privileges and Elections, but I want to have the preliminary question settled.

The VICE PRESIDENT. Naturally, objection being made to the present consideration of the resolution, it goes to the calendar; but on motion, the report of the Committee to Audit and Control the Contingent Expenses of the Senate can be approved, and then the resolution and report referred to the Committee on Privileges and Elections.

Mr. CULBERSON. I ask the Senator from Massachusetts if he has any objection to the adoption of the report of the Committee to Audit and Control the Contingent Expenses of the Senate, and then let the reference of the resolution be made to the Committee on Privileges and Elections?

Mr. LODGE. Not the slightest, if it is to be referred to the Committee on Privileges and Elections.

Mr. CULBERSON. That was my intention all the while.

The VICE PRESIDENT. Without objection, the report of the Committee to Audit and Control the Contingent Expenses of the Senate is approved, and the resolution, with the report, is referred to the Committee on Privileges and Elections. The Chair hears no objection.

COURTS IN MISSISSIPPI AND MICHIGAN.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably, without amendment, the bill (H. R. 19238) to amend section 90 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. I call the attention of the Senator from Mississippi [Mr. WILLIAMS] to the bill.

Mr. WILLIAMS. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SMITH of Michigan. If I understood the bill correctly, it relates to terms of court in the State of Mississippi.

Mr. WILLIAMS. I will explain to the Senator from Michigan just what the bill does. Last year an act was passed declaring that a term of the court should be held at Clarksdale, Miss., but the act did not designate the counties from which litigants should go to Clarksdale. This bill merely designates the counties from which litigants shall go to the different subdivisions of the northern judicial district.

Mr. SMITH of Michigan. I should like to amend the bill by inserting, on page 4, after line 2, the following:

Provided, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at the city of Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year.

Mr. OVERMAN. I suggest to the Senator that he had better have another bill for that purpose, because this bill amends a section of the new code.

Mr. WILLIAMS. This bill is amendatory to an act which would have nothing to do with the courts in Michigan.

Mr. SMITH of Michigan. I understand; but it is amendatory to the act providing for the terms of the Federal courts.

Mr. WILLIAMS. But it is amendatory to a special act which was passed February 24, 1911, establishing the holding of a Federal court at Clarksdale, Miss. I have no objection to the amendment, but I think——

Mr. SMITH of Michigan. I do not understand why my amendment would not be germane.

Mr. OVERMAN. Let me suggest to the Senator from Michigan that in the judiciary code the court in Michigan is one section by itself, and to amend it in this way would disarrange the judiciary code very much. I should think that it could be done very well by a special bill.

Mr. SMITH of Michigan. I hope the Senator from North Carolina will not object.

Mr. OVERMAN. I am not objecting; I am merely making a suggestion to the Senator.

Mr. SMITH of Michigan. It is the desire of the district judge of the western district of Michigan to hold additional terms of court in the northern division of that district, and I have been hopeful I could get this amendment on a bill of this character where it would be germane and appropriate for that purpose.

Mr. WILLIAMS. I have no objection to the amendment offered by the Senator from Michigan. I merely said what I did in a suggestive way to him, thinking that perhaps upon investigation he would find that his amendment is not germane to this bill. But whether it is or not, I have no objection to it.

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Mississippi and the Senator from North Carolina, and I move the amendment which I have just indicated.

The VICE PRESIDENT. Will the Senator please give the dates to the Secretary?

Mr. SMITH of Michigan. On the first Tuesdays in January and July in each year.

The VICE PRESIDENT. The Secretary will read the amendment.

Mr. OVERMAN. I should like to inquire of the Senator if court is already held at that place.

Mr. SMITH of Michigan. It is already held at Marquette, in the northern division of that district, but not at the city of Sault Ste. Marie, where much litigation arises growing out of the customs and immigration laws, and where it is regarded as important that two sessions should be held each year, without interfering, however, with the Marquette terms and solely for the convenience of attorneys and litigants.

Mr. OVERMAN. I do not think we ought to establish a court at a new place without consideration by the Committee on the Judiciary.

Mr. SMITH of Michigan. I assure the Senator from North Carolina that this only concerns the northern division of the western district of Michigan, where the territory is so large that it is impossible to economically administer the law as the courts are now conducted.

Mr. OVERMAN. There has never been a court at this point.

Mr. SMITH of Michigan. The court does not sit regularly at Sault Ste. Marie, but it does at Marquette and will continue to do so. It has been thought best to sit regularly at Sault Ste. Marie also.

Mr. OVERMAN. Is there a public building in the city where it is proposed the court shall sit?

Mr. SMITH of Michigan. Oh, yes; there is every facility there, and no additional expense will be incurred.

The VICE PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 4, after line 2, it is proposed to insert:

Provided, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July in each year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

ESTATE OF JOHN POOL.

Mr. OVERMAN. With the consent of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, I ask that that committee be discharged from the further consideration of Senate resolution 69 authorizing the Secretary of the Senate to make payment to the estate of John Pool, a Senator from North Carolina, for services in the Fortieth Congress, and that it be referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. The Senator from North Carolina asks that the Committee to Audit and Control the Contingent Expenses of the Senate be discharged from the further consideration of Senate resolution 69, and that it be referred to the Committee on Privileges and Elections. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 5625) granting an increase of pension to Charles R. Spicer (with accompanying paper); and

A bill (S. 5626) granting a pension to Samuel M. Terry (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5627) to appropriate $6,000 to defray the expenses of the United States rifle team to the Pan American tournament at Buenos Aires, May 16 to 30, 1912; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 5628) granting an increase of pension to George F. Greene (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5629) to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905; to the Committee on the Territories.

By Mr. SMITH of Michigan:

A bill (S. 5630) to regulate radio-communication (with accompanying papers); to the Committee on Commerce.

A bill (S. 5631) granting a pension to Emma L. Parker; and

A bill (S. 5632) granting a pension to David Carr (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5633) granting a pension to Robert T. Burton (with accompanying papers);

A bill (S. 5634) granting an increase of pension to George W. Sills (with accompanying paper); and

A bill (S. 5635) granting a pension to Benaldine Smith Noble (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5636) granting an increase of pension to Henry M. Adams; and

A bill (S. 5637) granting an increase of pension to Luke Flynn; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 5638) for the relief of the heirs of N. M. Robinson, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5639) for the relief of the heirs at law of the late Capt. Charles H. Peirce; to the Committee on Claims.

A bill (S. 5640) granting an increase of pension to Winfield S. Gibbs (with accompanying papers); to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 5641) granting an increase of pension to Allen B. Rackliff (with accompanying paper);

A bill (S. 5642) granting an increase of pension to Albert F. Whitney (with accompanying paper);

A bill (S. 5643) granting a pension to Sibae S. Andrews (with accompanying paper);

A bill (S. 5644) granting an increase of pension to Isaac W. Hodsdon (with accompanying paper);

A bill (S. 5645) granting an increase of pension to Mary J. Foster (with accompanying paper); and

A bill (S. 5646) granting an increase of pension to James M. Lowell (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5647) granting a pension to Henrietta V. Hawley (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5648) granting a pension to William N. Russell (with accompanying paper); and

A bill (S. 5649) granting an increase of pension to Ira Grant (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 5650) granting an increase of pension to Charles Bennett (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 5651) to remove the charge of desertion from the military record of Charles Haskin; to the Committee on Military Affairs.

By Mr. HITCHCOCK:

A bill (S. 5652) granting an increase of pension to Lurenna J. Terrell; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROOT submitted an amendment authorizing the Secretary of the Treasury to reopen, adjust, and audit the claim of the State of New York for interest on advances and expenditures made by that State in the War of 1812–15 with Great Britain, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate $2,573.25 to reimburse Omer D. Lewis, lease clerk at the Flathead Indian Agency, Mont., for expenses incurred for hospital and doctors' fees, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for continuing construction of irrigation systems to irrigate the allotted lands of the Indians on the Fort Peck Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $40,000 for the construction of buildings for agency purposes on the Flathead Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for continuing the construction of irrigation systems to irrigate the allotted lands of the Indians on the Blackfeet Indian Reservation, Mont., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CHAMBERLAIN submitted an amendment proposing to strike out, in the clause in the proposed Army appropriation bill for additional pay to officers of the Army for length of service, the provision "that no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned," etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. BORAH submitted an amendment proposing to appropriate $10,000 for the establishment and maintenance of an agricultural experiment station near Jerome, Lincoln County, Idaho, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORT ON VOCATIONAL EDUCATION.

Mr. BURNHAM submitted the following resolution (S. Res. 243), which was read and referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on Agriculture and forestry 3,000 additional copies, with covers, of Senate Report No. 405, Sixty-second Congress, second session, on the subject of vocational education.

GEORGE JONAS GLASS CO. V. GLASS BOTTLE BLOWERS' ASSOCIATION (S. DOC. NO. 374).

Mr. CULBERSON. I ask unanimous consent to have printed in the RECORD, and also as a Senate document, the opinion of the Court of Errors and Appeals of the State of New Jersey in the case of George Jonas Glass Co. *v.* The Glass Bottle Blowers' Association of the United States and Canada et al., it being the opinion of Chancellor Pitney and the dissenting opinions of other judges in that court.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and the order is entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the opinion of the Court of Errors and Appeals of the State of New Jersey, at the March term, 1910, in the case of George Jonas Glass Co., complainant and respondent, *v.* The Glass Bottle Blowers' Association of the United States and Canada et al., defendants and appellants, including all dissenting opinions, be printed as a Senate document.

GEORGE JONAS GLASS CO., COMPLAINANT AND RESPONDENT, *v.* THE GLASS BOTTLE BLOWERS' ASSOCIATION OF THE UNITED STATES AND CANADA ET AL., DEFENDANTS AND APPELLANTS. (PRINTED OUT OF PLACE.—REP.)

[Argued June 19, 1908; decided Nov. 16, 1908.]

1. An injunction sustained, restrained defendants from using either coercion or persuasion in order to bring about breaches of the contracts of personal service existing between complainant and its employees.

2. An injunction sustained against like conduct having for its object and purpose the termination of the relation of master and servant existing between complainant and its employees in cases where there was no binding contract of service, but a mere service at will.

3. An injunction sustained, restraining defendants from interfering, by coercion or personal molestation and annoyance, to prevent persons, not as yet employed but willing to take employment under the complainant, from entering such employment.

4. An injunction sustained against "picketing" designed to molest and annoy persons employed or willing to be employed by complainant.

5. An injunction against a "boycott" sustained.

6. The "act relative to persons combining and encouraging other persons to combine" (P. L., 1883, p. 36; Gen. Stat., p. 2344, pl. 23), does not legitimize an invasion of private rights, nor prevent the party injured from having full redress.

On appeal from a decree of the former chancellor advised by Vice Chancellor Bergen, whose opinion is reported in 72 N. J. Eq. (2 Buch.) 653.

Mr. John W. Wescott, Mr. Matthew Jefferson, and Mr. Louis H. Miller, for the appellants.

Mr. John W. Harding, for the respondent.

The opinion of the court was delivered by Pitney, chancellor.

The facts of the case are sufficiently outlined in the opinion of the learned vice chancellor. His findings are, in our judgment, fully sustained by the evidence.

The defendants comprise three classes of persons—first, the Glass Bottle Blowers' Association of the United States and Canada, a voluntary association, including in its membership nearly all the journeymen green glass bottle blowers of the United States and Canada; secondly, the officers of this association, who, as individuals, are made parties defendant; and thirdly, 90 or more individuals who were formerly in the employ of the complainant corporation at its glassworks in Minotola, in this State, and who on April 9, 1902, went upon strike.

It is undisputed that in the year 1901 the Glass Bottle Blowers' Association instituted a boycott of the complainant's wares in the effort to coerce complainant to conform its business to regulations prescribed by the association. The evidence renders it clear that this boycott was still in force and was being actively prosecuted by the association down to the time of the strike of 1902 and thereafter, and, indeed, after the filing of the bill of complaint herein.

Whether the defendant association or its officers directly instigated this strike possibly admits of doubt; but it is entirely clear that immediately after the strike began the association, through its executive committee and officers, took charge of it, organized and directed the strikers, and guided them in the subsequent proceedings.

There is abundant evidence that at the time the bill of complaint was filed and thereafter the association, its officers, and the strikers, who are joined as defendants, made common cause in a war of subjugation against the complainant corporation. While there are individual defendants who are not shown by the evidence to have been personally implicated in certain of the specific acts of violence and coercion that ensued, they were all acting in concert in the general plan of campaign, and are equally subject to injunction with respect to the unlawful acts that were done and threatened.

The final decree that is now under review awards an injunction restraining the defendants as follows:

First. From knowingly and intentionally causing or attempting to cause, by threats, offers of money, payments of money, offering to pay

expenses, or by inducement or persuasion, any employee of the complainant under contract to render service to it to break such contract by quitting such service.

Second. From personal molestation of persons willing to be employed by complainant with intent to coerce such persons to refrain from entering such employment.

Third. From addressing persons willing to be employed by complainant, against their will, and thereby causing them personal annoyance, with a view to persuade them to refrain from such employment.

Fourth. From loitering or picketing in the streets or on the highways or public places near the premises of complainant with intent to procure the personal molestation and annoyance of persons employed or willing to be employed by complainant, and with a view to cause persons so employed to refrain from such employment.

Fifth. From entering the premises of the complainant against its will with intent to interfere with its business.

Sixth. From violence, threats of violence, insults, indecent talk, abusive epithets, annoying language, acts or conduct, practiced upon any persons without their consent, with intent to coerce them to refrain from entering the employment of complainant or to leave its employment.

Seventh. From attempting to cause any persons employed by complainant to leave such employment by intimidating or annoying such employees by annoying language, acts, or conduct.

Eighth. From causing persons willing to be employed by complainant to refrain from so doing by annoying language, acts, or conduct.

Ninth. From inducing, persuading, or causing or attempting to induce, persuade, or cause the employees of complainant to break their contracts of service with complainant or quit their employment.

Tenth. From threatening to injure the business of any corporation, customer, or person dealing or transacting business and willing to deal and transact business with the complainant, by making threats in writing or by words for the purpose of coercing such corporation, customer, or person against his or its will so as not to deal with or transact business with the complainant.

Each portion of the injunctive relief thus granted is directed to some manifestation of the strife that was carried on by the combined defendants against the complainant. And in each respect the injunction is justified by the evidence in the case.

The employees of complainant referred to in the decree are those who either refused to join the strike or who entered complainant's employ after the strike. With respect to these, it will be observed that the defendants are restrained from using coercion, inducements, or persuasion to bring about a termination of the employment, whether the employee be under contract of service or not.

With respect to other persons not as yet employed but willing to take employment under the complainant, the defendants are restrained from interfering to prevent this by coercion or personal molestation and annoyance, but are not restrained from using mere persuasion in such a case.

There is a restraint against picketing designed to molest and annoy persons employed or willing to be employed.

And there is a restraint against the continuance of the boycott.

It is clear beyond dispute that the complainant has suffered grievously in its property and business through the acts of the defendants, whose continuance is thus prohibited. That the injury to the complainant is irreparable by action at law is likewise clear.

If, therefore, the acts themselves are unlawful and violative of the property rights of the complainant, the injunction is proper.

The conduct of defendants in using coercion in some cases and persuasion in others in order to bring about breaches of the contracts of personal service existing between complainant and some of its employees—defendants having, of course, full notice of the existing employment—was unlawful and actionable upon well-settled principles. (3 Bl. Com., 142; Lumley *v.* Gye, 2 El. & Bl., 216, 224; Bowen *v.* Hall, 6 Q. B. Div., 333; Angle *v.* Chicago, &c., Railway Co., 151 U. S., 1, 13.)

And the same is true of conduct whose object and purpose were to bring about a termination of the relation of master and servant between the complainant and its employees in cases where there was no binding contract of service, but a mere service at will. (Noice, Administratrix, *v.* Brown, 39 N. J. Law (10 Vr.), 569, 572; Brennan *v.* United Hatters, 73 N. J. Law (44 Vr.), 729, 743.)

In Frank & Dugan *v.* Herold (63 N. J. Eq. (18 Dick.), 443, 450), Vice Chancellor Pitney said that to create the relation of master and servant it is not necessary that there should be a contract in writing, or even verbal, between them to work for any particular length of time; that the relation exists when the one person is willing from day to day to work for another, and that other person desires the labor and makes his business arrangements accordingly.

Whether an action will lie for interference in the relations existing between employer and employee where there is a mere service at will, and where the interference is the result of fair competition in the labor market, is a question mooted but not necessary to be decided in the present case. The defendants were not competitors in the labor market. Their interference had for its immediate object the crippling of the complainant's business. The only semblance of excuse alleged is that defendants desired to bring about "improved labor conditions" in complainant's works; but this object did not warrant the resort to unlawful measures.

Reliance is placed by the defendants upon the "act relative to persons combining and encouraging other persons to combine." (P. L., 1883, p. 36; Gen. Stat., p. 2344, pl. 23.) The enactment is:

"That it shall not be unlawful for any two or more persons to unite, combine, or bind themselves by oath, covenant, agreement, alliance, or otherwise, to persuade, advise, or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons, or corporation."

In Mayer *v.* Journeymen Stonecutters' Association (47 N. J. Eq. (2 Dick.), 519, 531), Vice Chancellor Green apparently treated this act as legalizing private injuries. And in Cumberland Glass Manufacturing Co. *v.* Glass Bottle Blowers' Association (59 N. J. Eq. (14 Dick.), 49, 53), Vice Chancellor Reed construed it as permitting the adoption of peaceable measures for inducing workmen to quit or to refuse to enter an employment. Whatever may have been the purpose of its framer, there are, as we think, constitutional obstacles in the way of giving the act so extensive a force. The rights of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness, are declared by our constitution to be unalienable. (N. J. Const., art. 1, pl. 1.) No act of the legislature is to be construed as infringing upon these rights unless its language plainly and clearly requires such a construction. If its language so reads, it is to the extent indicated unconstitutional and void. The act of 1883 is, as we think, properly to be treated as merely rendering the combination no longer indictable; in effect, as repealing the rule laid down by the supreme court of this State in State *v.* Donaldson (32 N. J. Law (3 Vr.), 151). It does not legitimize an invasion of private rights nor prevent the party injured from having full redress. Its proper scope is indicated in the opinion of Vice Chancellor Pitney in Frank & Dugan *v.* Herold.(63 N. J. Eq. (18 Dick.), 443, 447, 448).

So much of the decree as awards an injunction to restrain the defendants from using coercive measures to prevent the flow of labor to complainant's works is likewise proper. In Jersey City Printing Co. *v.* Cassidy (63 N. J. Eq. (18 Dick.), 759, 765), Vice Chancellor Stevenson recognized and enforced the right of an employer to an injunction to prevent undue interference with those who wish to come to him for employment. It is principally upon this ground that injunctions against what is known as picketing have been sustained in this and other jurisdictions.

So much of the decree as is directed against the continuance of the boycott is plainly justified by the evidence and accords with the law. (Barr *v.* Essex Trades Council, 53 N. J. Eq. (8 Dick.), 101; Martin *v.* McFall, 65 N. J. Eq. (20 Dick.), 91; Temperton *v.* Russell (1893), 1 Q. B. Div., 715; Quinn *v.* Leathem (1901), A. C. 495.)

The decree under review should be affirmed, with costs.

Minturn, J. (dissenting):

I find myself unable to agree with the majority of my brethren with respect to that portion of the decree of the court of chancery which authorizes the issuing of an injunction against these defendants upon the ground stated in the opinion of the learned chancellor speaking for the majority of this court, viz: "inducing, persuading, or causing or attempting to induce, persuade, or cause the employees of complainant to break their contracts of service with complainant or quit their employment."

It may be conceded since the decision of this court in Brennan *v.* United Hatters (73 N. J. Law (44 Vr.), 729) that an ordinary wage employee bears toward his employer in this State a relation in modern legal nomenclature denominated as a "service at will"; and for the breach of which an action at law can be maintained.

Still with this concession it is difficult to discern in jurisprudence, outside of the sphere of those English cases which bear the distinct impress of feudal law and custom, any consensus of legal authority which can support the principle upon which this injunction rests; and of those cases Chief Justice Parker, speaking for the New York Court of Appeals, said "they are hostile not only to the statute law of this country, but to the spirit of our institutions." (National Protective Association *v.* Cuming, 170 N. Y., 332.)

Their origin is traceable distinctly to that class legislation which followed the emancipation of the villeins under the feudal tenure; and to the scourge of the "black death" which followed such emancipation in the reign of Edward III, decimating Europe and culminating in what is known as "the statute of laborers" (22–23 Edw. III), by virtue of which every vestige of individual freedom to contract and to combine was shorn from the wage worker and his social status was reduced by legislative act to that of a bondman. (1 Green's History of the English People, sec. 4; 2 Bouv., P. 100.)

Our inheritance of English common law carried with it only such of the English decisions as are consonant with our institutions and our public policy. (1 Kent Com., p. 343.)

Concededly, therefore, the invocation of a line of adjudications emanating from a social order and a political environment radically different from our own, founded upon the feudal concept of "a service at will" in an age of enlightened citizenship, is so utterly repugnant to and incompatible with our basic governmental theory, *vox populi vox Dei*, as to be unsupportable in reason, and opposed to any system of enlightened jurisprudence, which invokes as a justification for its existence either the dictates of reason or the wisdom, the experience, or the service of humanity. "Precedents against law or reason," says Lieber, "must be set aside." (Legal and Political Hermeneutics, 219); and so, *Coke, "Quæ Contra rationem juris introductor sunt, non debent trahi in consequentiam."* (The case of the Proclamations, 12 Coke's Rep., 74.)

The constitutional guarantees, State and Federal as well as the bill of rights, reach their protecting arm not only to property rights, but also to the rights of citizenship and free speech. And while in the march of human progress and national development, the protection of property representing as it does the thrift, economy, and energy of a people, is not to be underestimated; still the right to life and liberty has, from the dawn of history, been the potent and dominant factor in the forward march of progress and civilization. (Spenc. Social Stat. ch. 5; Guizot Hist. of Civ. in Europe, ch. 2.)

Force or intimidation can never be recognized as a lawful *modus operandi* in the propagation of any doctrine or cult, or for the assertion or prosecution of any right; and to the vindication of this principle the unanimous decisions, both State and Federal, bear testimony.

But in the effort to sustain the property guaranties of the fundamental law against infraction, we are apt to lose sight of those guaranties of liberty and happiness which are equally fundamental; and if a concrete case were needed to illustrate this tendency, we find it in the case at bar.

A statute enacted by the legislature of this State and quoted verbatim by the learned chancellor (P. L., 1883, p. 36) made it lawful for "any two or more persons to unite, combine, or bind themselves to persuade, advise, or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person or persons or corporation." Assuming that this relationship of a service at will is to be dignified with the status of a formal contract *inter partes*, then *concededly* the terms of this statute must be read into it. (2 Kent Com., 571.)

Upon two occasions, at least, this statute has been construed by the court of chancery, not only as relieving such combination of the criminal aspect theretofore ascribed to it, but also as a legislative declaration of public policy, and presumably *sub silentio*, the learned vice chancellors who passed upon the legal effect of the enactment found nothing unconstitutional in its provisions.

Thus, Vice Chancellor Green in Mayer *v.* Journeymen's Stone Cutters' Association (47 N. J. Eq. (2 Dick.), 519) refused to order the issue of an injunction upon the ground that "the acts threatened are declared by statute as not unlawful." He characterized the act of 1883 as declaring "a policy of the law" which, in his judgment, has "revolutionized" the common-law doctrine of unlawful combination, and concluded his judgment with the statement that the peaceable intervention contemplated by this act was "unoffensive to any provision of our law."

Vice Chancellor Reed reviewed the same legislation in Cumberland Glass Manufacturing Co. *v.* Glass Bottle Blowers' Association (59 N. J. Eq. (14 Dick.), 49) and stated, "The words are perhaps broad enough to legalize a combination to persuade individual workmen to

quit, or refuse to enter the service of any person," and refused the injunction on that ground, but granted it on another.

Vice Chancellor Pitney's opinion in *Frank & Dugan* v. *Herold* (63 N. J. Eq. (18 Dick.), 443) marks the turning point in the construction of this statute, for he there held that it only relieved an act formerly criminal, of its unlawful character, and then dealt with the subject sub judice from a constitutional point of view and declared, "It is argued that one person has a right to persuade another to work or not to work. That may be if the other is willing to listen and be persuaded" (at p. 449), and again (at p. 452), "The operatives have the right which their employers can not complain of to consider the question whether they desire to work for them any longer and for that purpose they have the right to listen to arguments on that subject."

Vice Chancellor Stevenson in Jersey City Printing Co. *v.* Cassidy (63 N. J. Eq. (18 Dick.), 765), following the consideration given by Vice Chancellor Pitney to the statute, termed this service at will " a newly recognized right " and defined it to be " that peculiar element that is an interest which one man has in the freedom of another;" which he further defined as "freedom in the market; freedom in the purchase and sale of all things, including both goods and labor;" a right, says the learned vice chancellor, "that our modern law is endeavoring to insure to every dealer" (at p. 766).

Still later in Fletcher Co. *v.* International Association of Machinists (55 Atl. Rep., 1077), the same learned vice chancellor conceded the right to workmen to organize and use peaceable persuasion, substantially as Vice Chancellor Pitney had conceded it in the Herold case. But in both determinations the learned vice chancellor makes the right to "the free flow of labor," as he termed it, the *ratio decidendi*, thus instituting an analogy as an economic proposition between goods and merchandise and labor; a fallacy all the more confounding to any attempt at harmonious decision when the statutory enactment in question is disregarded.

The analogy ignores the constitutional guaranty of freedom of speech and freedom of the press representing labor's demands, because labor, unlike goods, can not be severed from the human entity and be considered apart from the man, for as Locke says, "Every man has a property in his own person; this nobody has a right to but himself." (Essay on the Human Understanding, ch. 6.) It ignores factory and inspection laws, child-labor laws, and those legislative protective enactments for workshop and factory intended to mitigate the hardship incident to the application of the legal rule of assumption of risk, all of which are proper subjects for discussion between fellow workmen, with a view to enforcing compliance by the employer with the law as the alternative to a strike. It ignores the fact that in every line of trade and business combination is the tendency of the age, and that in this State our corporation act is designed to accomplish that very purpose, and has accomplished it to a great extent throughout the land. The maxim that "competition is the life of trade" is not contained in the lexicon of the political economy of this day, and eminent jurists have noted the fact of its elimination as an axiom in commercial life—except, it would seem, in its application to the wages of labor, in which event the law of supply and demand and the creation of a free labor market, as indicated by the learned vice chancellor, practically relegates the wage earner to the status of a chattel, and corresponds to the judicial conception entertained of black labor in the Dred Scott case. (Dred Scott *v.* Sandford, 19 How., 393.) In the case at bar the learned chancellor goes further and declares the act of 1883 to be unconstitutional in its application to private rights as in contravention of article 1, page 1, of the State constitution. It certainly would be indefensible, tested by this constitutional guaranty, if it empowered these defendants to combine to destroy property or to combine for any other unlawful purpose. But such is not its intent, since it simply empowers a number to do what it would be perfectly lawful for one to do, and such a power has been repeatedly held to be constitutional. (National Protective Association *v.* Cummings, 170 N. Y., 315; Wabash Railroad *v.* Hannahan, 121 Fed. Rep., 563; Martell *v.* White, 185 Mass., 255.)

The right conferred is in essence only the fundamental right of free speech, and the sole limitation upon that natural right is that those exercising it "are answerable only for their acts in the interests of good citizenship, morality, and decency." (United States *v.* Williams, 194 U. S., 279; Roberts *v.* Baldwin, 166 U. S., 261; Wise Cit., 189.)

It is to be noted that this constitutional provision is but a paraphrase of the provision upon the same subject contained in the bill of rights; and it is to be observed that when that great charter was promulgated a crisis was impending, in which the great desideratum was not the right to enjoy property, but the right to enjoy personal liberty, and to pursue individual happiness without regal interference. That document provided "that all men are by nature equally free, independent, and have certain inherent rights of which, when they enter into a state of society, they can not by any compact deprive or divest their posterity, namely, the enjoyment of life and liberty with the means of acquiring and possessing property and pursuing happiness and safety." (Revised Code of Virginia (1819), vol. 1, p. 31.)

This conception of life and liberty has dominated all other considerations in the development of constitutional law; and has led the United States Supreme Court in furtherance of its application under the police power to ignore the fact that judicial recognition of it was tantamount to the destruction of the private property involved. (Slaughter House cases, 83 U. S., 36; Stone *v.* Mississippi, 101 U. S., 814; Mugler *v.* Kansas, 123 U. S., 623.)

But the denial of this right to combine in furtherance of free speech implies such a discrimination against these defendants that it may, with perfect propriety, be argued that their rights as citizens are denied to them in contravention of the fourteenth amendment of the Federal Constitution, which guarantees that their privileges and immunities as citizens shall not be abridged. (Senator *v.* West Virginia, 100 U. S., 303; 1 Kent Com., 621.)

In other jurisdictions, the correct rule is declared to be in consonance with the spirit and language of the statute of 1883. Thus the Virginia supreme court of appeal has declared that it is "not unlawful for strikers to persuade employees to leave the service of their employer or to dissuade other workmen from seeking employment with him" when unaccompanied by force or intimidation. (Everett Waddy Co. *v.* Richmond Typographical Union et al., 105 Va., 188; National Protective Association *v.* Cummings, 170 N. Y., 315; Jones *v.* Van Winkle Machine Works (Georgia Supreme Court), 628 E. R., 236; 8 Anno. Cases, 796, and cases cited; 24 Cyc., 831, and cases cited.)

It may be appropriate to conclude this reference by quoting an extract from the opinion of Judge Taft, sitting in the United States circuit court in Phelan's case (62 Fed. Rep., 803): "The employees of the receiver have the right to organize into or join a labor union which would take action as to the terms of their employment. The officers they appoint or any other person they choose to listen to may advise them as to the proper course to be taken in regard to their common employment, or if they choose to appoint anyone he may order them on pain of expulsion from the union peaceably to leave the employ of their employer, because any of the terms of the employment are unsatisfactory."

The act of 1883 confers no greater privileges upon these defendants than does the langage of this eminent jurist, and if that act be condemned by the constitutional guaranties referred to by the learned chancellor, this pronouncement must suffer the same animadversion.

It is conceivable that substantial justice could have been effectuated in this case without entrenching upon the constitutional privileges of these defendants, for in the final analysis, says Montesquieu, "Justice is but a relation of congruity which really subsists between two things. This relation is always the same, whatever being considers it; whether it be God, an angel, or, lastly, a man." (Spirit of the Law, ch. 6.)

Entertaining these views, I shall vote to reverse and modify the decree accordingly.

Garrison, J. (dissenting).

In so far as the decree appealed from directs that the defendants be enjoined from the peaceable persuasion of persons who are not under any contract to serve the complainant, I think the court below was in error, and that to that extent its decree should be reversed.

I am requested by Justice Swayze and by Judge Bogert to say that they concur in the foregoing view.

For affirmance—The Chancellor, Chief Justice, Reed, Trenchard, Parker, Voorhees, Vredenburgh, Vroom, Green, Gray—10.

For reversal—Garrison, Swayze, Minturn, Bogert—4.

HOUR OF MEETING TO-MORROW.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock noon.

The motion was agreed to.

GENERAL ARBITRATION TREATIES.

Mr. SMITH of Michigan. Mr. President, apropos of the motion just agreed to, I should like to make a parliamentary inquiry. I notice that unanimous consent was given some days ago to vote on the British and French arbitration treaties on Tuesday, the 5th instant. I should like to inquire whether, under this unanimous-consent agreement, that will be the first business taken up in the morning?

The VICE PRESIDENT. After the morning business.

Mr. SMITH of Michigan. That is, it will be taken up after the routine morning business?

The VICE PRESIDENT. After the routine morning business.

Mr. SMITH of Michigan. I should like also to inquire whether there is any limitation as to debate included in the unanimous-consent agreement?

The VICE PRESIDENT. There is no limitation as to debate.

Mr. SMITH of Michigan. The Senate will sit as usual, with these treaties before it, and a vote must be taken before adjournment on that legislative day?

The VICE PRESIDENT. The Senator is correct.

Mr. SMITH of Michigan. Mr. President, I desire now to give notice that I shall offer as a substitute for the amendments pending a motion to strike out of the treaties the third paragraph of article 3.

Mr. LODGE. That amendment is now pending. It is the pending amendment reported by the committee.

Mr. SMITH of Michigan. The committee's amendment?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. Then the amendment proposed by the Senator from Massachusetts does not take the place of that amendment?

Mr. LODGE. What I propose is the resolution of ratification. That has nothing to do with the amendment of the treaty.

Mr. SMITH of Michigan. Who is sponsor for the committee's motion?

Mr. LODGE. The committee. I reported it on behalf of the committee.

Mr. CULLOM. The majority of the committee.

Mr. LODGE. On behalf of the majority of the committee.

Mr. SMITH of Michigan. I presume, if that motion is pending, it will be called up by some member of the committee?

Mr. LODGE. It is the pending question. It is the committee amendment to the treaty, and is the first question.

Mr. SMITH of Michigan. So that we shall vote on that first?

Mr. LODGE. Certainly.

THE LAWRENCE (MASS.) STRIKE.

Mr. POINDEXTER. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] informs me that he is willing to withdraw the objection which he made to my request for unanimous consent for the consideration of Senate resolution 231, with the amendment which I proposed on Saturday. In view of that, I now ask unanimous consent for the present consideration of the resolution.

Mr. BRISTOW. I inquire if morning business is closed?

The VICE PRESIDENT. It is not. The Senator from Washington asks unanimous consent for the present consideration of a resolution, which the Secretary will state.

The SECRETARY. Senate resolution 231, providing for an investigation and report by the Secretary of Commerce and Labor regarding certain labor conditions in Lawrence, Mass.

Mr. HEYBURN. Mr. President, I object.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution.

Mr. HEYBURN. Do I understand that morning business has been concluded?

The VICE PRESIDENT. Morning business is not concluded.

Mr. HEYBURN. I desire to call up another matter.

Mr. POINDEXTER. I move the adoption of the resolution with the amendment which I have proposed, notwithstanding the objection.

The VICE PRESIDENT. That motion is not in order until morning business is concluded. The Chair will recognize the Senator later.

PRESIDENTIAL TERM.

Mr. WORKS. I desire to give notice that on next Monday, immediately after the conclusion of the morning business, I will, with the permission of the Senate, submit some remarks on Senate joint resolution 78, proposing an amendment to the Constitution fixing the term of office of the President of the United States at six years.

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES.

Mr. BRISTOW. I desire to offer a resolution, but before doing so I ask to have read the letter which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter, and read as follows:

BESSEMER, ALA., *February 24, 1912.*

Mr. W. J. MARLES,
Post-Office Inspector, Washington, D. C.

SIR: I am in receipt of your letter dated February 17, purporting to have been mailed me from Washington, D. C., when in fact the envelope in which the letter was contained shows the post-office stamp of Birmingham, Ala., and the fact that I saw you in person on the day this letter was written shows that it was not written in Washington but written since you came to Alabama. You state in your letter that "charges of pernicious political activity have been preferred against you" (me), and you graciously give me an opportunity to make any statement that I may desire for consideration of the department.

The "pernicious political activity," as you term it, is stated in your letter to have been committed by me in May, 1911, and in December, 1910. It is a fact pregnant with meaning that you should appear in Birmingham two days after I, as a member of the Republican congressional executive committee of this district, saw proper to exercise my right as a free American citizen and to vote for resolutions indorsing Theodore Roosevelt for President. It is also strange, if not a matter pregnant with meaning, that you should appear personally in this district to investigate a postmaster about matters occurring more than 12 months before, not only on the day but at the very hour when a political meeting was being held in this city, when it is a matter of public notoriety that the Federal officeholders in the Southern States, and especially the State of Alabama, are a mass of seething political activity.

It is a matter further pregnant with meaning that while you are here in this community in person that you should shut your eyes to the most flagrant examples of "pernicious political activity" in behalf of President Taft——

Mr. GALLINGER. Mr. President, I should like to know what the document is that is being read.

The VICE PRESIDENT. It is a letter presented by the Senator from Kansas, who asked unanimous consent that it be read prior to his introducing a resolution.

Mr. BRISTOW. It is a letter from a postmaster in Alabama, I will advise the Senator, written to a post-office inspector.

Mr. GALLINGER. It is rather an extraordinary thing to have a letter of that kind read in the Senate, and I feel constrained to object. The Senator from Kansas can read it himself, if he pleases, but I think it is a very bad practice to have letters from individuals, whether they are postmasters or not, arraigning the President of the United States and the administration, read in the open Senate without objection.

The VICE PRESIDENT. Objection is made to the further reading of the document.

Mr. BRISTOW. As preliminary to the offering of the resolution I will read the letter myself.

It is a matter further—

Mr. CULBERSON. Mr. President I suggest that the Senator read the whole letter. It is very interesting.

Mr. TILLMAN. The Senator had better begin at the beginning, so that we can get the connection.

Mr. BRISTOW. Very well. The letter is as follows:

BESSEMER, ALA., *February 24, 1912.*

Mr. W. J. MARLES,
Post-Office Inspector, Washington, D. C.

SIR: I am in receipt of your letter dated February 17, purporting to have been mailed me from Washington, D. C., when in fact the envelope in which the letter was contained shows the post-office stamp of Birmingham, Ala., and the fact that I saw you in person on the day this letter was written shows that it was not written in Washington, but written since you came to Alabama. You state in your letter that "charges of pernicious political activity have been preferred against you" (me), and you graciously give me an opportunity to make any statement that I may desire for consideration of the department.

The "pernicious political activity," as you term it, is stated in your letter to have been committed by me in May, 1911, and in December, 1910. It is a fact pregnant with meaning that you should appear in Birmingham two days after I, as a member of the Republican congressional executive committee of this district, saw proper to exercise my right as a free American citizen and to vote for resolutions indorsing Theodore Roosevelt for President. It is also strange, if not a matter pregnant with meaning, that you should appear personally in this district to investigate a postmaster about matters occurring more than 12 months before, not only on the day but at the very hour when a political meeting was being held in this city, when it is a matter of public notoriety that the Federal officeholders in the Southern States, and especially the State of Alabama, are a mass of seething political activity.

It is a matter further pregnant with meaning that while you are here in this community in person that you should shut your eyes to the most flagrant examples of "pernicious political activity" in behalf of President Taft, while you direct the searchlight of your investigations along these lines only against a few postmasters who have expressed a preference for Roosevelt. If you cared to extend your investigations along lines of "political activity," you could, and can now, easily ascertain that on the night before the meeting of the Republican congressional executive committee of this district Truman H. Aldrich, postmaster in Birmingham, Ala., although not a member of the committee, held a caucus in his office in the post-office building in this city, which lasted far into the night on the night before the committee meeting, at which were present other postmasters, members of the committee, and other officials. It is a matter of common knowledge that passersby near the hour of midnight could hear discussions and speeches being made in his office by partisans of President Taft. It is also a matter of common knowledge, well known to the public, that said Postmaster Truman H. Aldrich attended in person in Magnolia Hall, in Birmingham, Ala., the meeting of the Republican district executive committee and was seated on the floor of the committee, and when it was developed on the roll call that 16 members of the committee stood in favor of indorsing Roosevelt for President and 11 members were opposed, that in conjunction with those 11 members said Aldrich got up in the meeting and withdrew with them from the floor of the committee, and at the time of his withdrawal became so excited that he shook his fist at a member of the committee and stated to him that he "would settle with him outside." In addition to this, said Aldrich has been writng letters to postmasters and others over this district, endeavoring to line them up in opposition to Col. Roosevelt and in favor of President Taft. Right here I will give you a sample by a quotation from one of Aldrich's letters: "We are counting on you to be with us and for the Taft administration. There is a scheme on foot which I will explain to you when I see you. Do not commit yourself to Brother Lewis until I have a personal talk with you."

If you are desirous of pursuing this investigation as "pernicious political activity" in an unbiased way along proper and legitimate lines, you can easily ascertain, and I shall furnish you witnesses from whom you can ascertain the facts, that on the morning before the meeting of said committee in Birmingham two postmasters—N. L. Wilson, of Blocton, Ala., and N. C. Fuller, of Centerville, Ala.—members of the committee, came to the law office of Judge Oscar R. Hundley, in the city of Birmingham, Ala., where one A. L. Elam, a member of the committee from Bibb County, was in consultation with said Hundley and other friends of Col. Roosevelt, when they requested a private interview with said Elam, and Judge Hundley very graciously tendered a room in his office where they could have their private interview; and thereupon these two postmasters, by persuasion and promises of official favor, endeavored to get said Elam to change his allegiance to Col. Roosevelt and side with them, the said postmasters, in their effort to have this committee indorse the candidacy of President Taft.

If, under your oath of office, you desire to pursue this laudable purpose of yours to prevent "political activity" to its legitimate and proper conclusion, you will extend your investigation to one P. D. Barker, postmaster at Mobile, Ala., whose frequent absences from his official duties at Mobile have occasioned comment and criticism throughout the State of Alabama, and who now is engaged in writing letters to various postmasters over the State asking them to line up in their indorsement of President Taft for reelection; and in one of these letters he states, in substance, that "Roosevelt has no idea of being a candidate for President, but is simply pretending to run in order to get Taft committed to his candidacy in 1916, and that this will be arranged in a few days, when Roosevelt will come out and indorse Taft." Since you take exception to an interview of mine made more than 12 months ago, and while we are on this subject of interviews, I direct your attention to the fact that this same postmaster, P. D. Barker, who claims to be the mouthpiece of President Taft, has been for some time past keeping the press of this State warm with his partisan and political views in favor of President Taft and against Col. Roosevelt, even going so far as to use sarcastic and ungenteel references to the latter. Let me quote for your information a small portion of an interview from this postmaster sage, P. D. Barker, which was published broadcast throughout the Democratic press during the New York State election, when Secretary Stimson was the Republican candidate:

"It seems to be in the air all over New York that the Democratic ticket will make a clean sweep," said Mr. Barker. "Mind you," he continued, "such a victory will not be a Democratic triumph so much as an anti-Roosevelt victory. Things are in a terrible mess among the Republicans in New York. There undoubtedly is a great revulsion of sentiment among the big business men of both parties against the agitation Col. Roosevelt has been conducting recently, and they seem to have decided that now is the time to give the rebuke and not wait until 1912."

But again, Mr. Inspector, permit me to return to Postmaster Truman H. Aldrich, of Birmingham. You had scarcely shaken the dust of Birmingham off your feet, if you were in reality not indeed in Birmingham at the time, when there was a Republican precinct election in this city, at which said Aldrich was either present or within close and advisory touch. Four of the members taking part in this meeting were letter carriers serving under said Aldrich and participated in the adoption of the following resolution:

"We, etc., indorse the administration of Maj. Truman H. Aldrich, postmaster of Birmingham, because of the fair deal he has given us, and the actions of the referees, Mr. Pope M. Long and Maj. P. D. Barker. We also express our confidence in William Howard Taft and declare ourselves in favor of his renomination."

This action has received editorial condemnation by the local press and has, indeed, tended to "cause public scandal" as to said Aldrich.

I have written the above, Mr. Inspector, for your information as a public official, in order that you may have proper and official notice of such flagrant exercise of "pernicious political activity" by Federal officeholders who are supporting President Taft, since you told me, when

I asked you why you did not extend your investigations further, "that no charges had been made against any others."

Now, to answer specifically the charges in your letter: In reply to your first charge that I, on May 20, 1911, wrote a letter to a rural letter carrier, who is in the classified service, in an effort to secure his cooperation in controlling the political situation at that time, and that I wrote another letter on May 26, 1911, to a civil-service employee of the same purport, I beg to say I did not write to a rural carrier on May 20, 1911, unless he was a member of a political committee, a place he had no right to fill under the rules of the Civil Service Commission. I do not remember writing a letter to a civil-service employee of the Birmingham office in which anything was said about politics. At any rate, the issue in that matter was not a strictly political one. It was simply a personal contest between two Republican officials, and was more a personal preference than a political contest, as simply the personal ambitions and interests of one was pitted against the other.

The second charge, that my time, which should be devoted to the post office, has to a large extent been utilized in preparing and circulating political literature, is not true. I have never asked my assistant to neglect his work for me, and the services of other employees have never been utilized by me for any purpose other than that of the discharge of their official duties. My assistant did some typewriting for the secretary of the district committee at a time when it did not in any way interfere with his official duties in the post office. I have devoted my time assiduously and conscientiously to the discharge of my official duties. I may have written some letter to some friend discussing my views upon the questions of the day, which, with all due respect, I think I have a right to do.

As to your third charge, in reference to my interview published in Washington Herald December 24, 1910, more than 12 months ago, I will state in passing that it is marvelously strange that this charge, based upon my conduct published in a public newspaper issued from the National Capital and under the eye of the President, should have laid dormant all this time and not have been investigated until two days after I cast a vote to indorse Theodore Roosevelt for President. As to that interview, I was incorrectly quoted in this interview, and I mailed to the secretary of the President a true version of same. I said that I considered Harmon a strong man, and, if nominated, I was apprehensive as to the result. The other interviews were in self-defense and in answer to attacks made on me in my absence. I know of nothing in that interview which would show I was trying to "control political movements, to neglect public duties, or to cause public scandal," as can be easily established as to the numerous interviews of said Postmaster P. D. Barker.

This letter is written you in no spirit of factious criticism, but simply as a plain statement of an American citizen and taxpayer who feels that he has a right to have all of the laws equally administered to all people alike. This letter is not written to be kept by you as a confidential official document, but you are at liberty to give it to the public if you so desire, a right which I shall claim to exercise if, in my judgment, I deem it proper to do so. I am also sending a copy of this letter to President Taft and also to the Civil Service Commission.

With very great respect, I have the honor to remain,

Respectfully,

GEORGE R. LEWIS,
Postmaster, Bessemer, Ala.

P. S.—Since writing the above, Mr. Inspector, to show you the "pernicious political activity" of certain class of Republicans in this community, I have just ascertained and make the charge to be that Frank McAlpine and Robert Sims, letter carriers in the Birmingham post office, together with Postmaster Truman H. Aldrich, were elected February 17 in Birmingham, Ala., as delegates from beat 37, Mr. Aldrich's beat, to a county convention which met in Birmingham to-day, and all three attended said convention to-day.

Respectfully,

GEORGE R. LEWIS,
Postmaster, Bessemer, Ala.

Now, Mr. President, from this letter it would be inferred that post-office inspectors were being sent as political agents in violation of the law, and I therefore submit the following resolution.

The VICE PRESIDENT. The Senator from Kansas presents a Senate resolution, which will be read.

The Secretary read the resolution (S. Res. 242), as follows:

Resolved, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable whether post-office inspectors are being sent through the country as political emissaries to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency; also to inquire into and report to the Senate whether postmasters with good official records are being threatened, directly or indirectly, with removal or discipline if they give or fail to give their support to certain candidates for delegates to national conventions or for the Presidency; also to inquire into and report to the Senate the truth or falsity of the reports that certain nominations for postmaster that were made to the Senate on various dates and withdrawn on February 19, 1912, were withdrawn for the purpose of influencing the action of certain politicians in the State of North Carolina in regard to holding conventions and electing delegates to the Republican national convention of 1912; and for this purpose they are authorized to sit during the session of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary; and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. BRISTOW. Since the Senate is a part of the appointing power and it is necessary for it to ratify any nominations that are made, it seems to me the Senate ought to have the information the resolution calls for. I ask that the resolution be referred to the Committee on Contingent Expenses, as is necessary under the law.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARK of Wyoming. I was very much interested in the letter which has just been read by the Senator from Kansas [Mr. BRISTOW]. All of it appeared to be in typewriting, with a typewritten signature, and so forth. I ask the Senator if he has in his possession the original from which this purports to be taken?

Mr. BRISTOW. I will state to the Senator from Wyoming that I have not. The original——

Mr. CLARK of Wyoming. Then I will ask the Senator if he has seen the original?

Mr. BRISTOW. I have not. I understand the original is in the possession of the post-office inspectors.

Mr. CLARK of Wyoming. I ask the Senator, he having read the letter into the RECORD, whether he knows that the letter was written by the man by whom it is purported to have been written and whether it was written to the man to whom it is supposed to be addressed?

Mr. BRISTOW. I have no doubt at all about it.

Mr. CLARK of Wyoming. The Senator has his copy from somebody who has authentic information?

Mr. BRISTOW. I have no doubt at all about it.

Mr. CLARK of Wyoming. The letter has been read into the RECORD with great seriousness, and we should have some information as to who wrote it and to whom it was addressed.

Mr. BRISTOW. If the resolution proposed by me is passed, we will find out exactly how much truth there is in the accusations made against the postmaster at Bessemer.

LAWRENCE (MASS.) LABOR STRIKE.

Mr. POINDEXTER. I renew the motion I made for the adoption of Senate resolution 231, with all after the semicolon stricken out.

Mr. HEYBURN. If the Senator says it will result in no debate, that it is merely a matter of putting the resolution before the Senate, I will consent not to urge an objection. But I reserve the right to object if debate should occur.

Mr. GALLINGER. It will lead to some debate, I will assure the Senator from Idaho.

Mr. HEYBURN. Then I shall have to make objection.

The VICE PRESIDENT. Objection is made to the present consideration of the resolution.

SENATOR FROM WISCONSIN.

Mr. HEYBURN. I ask the Senate to proceed to the consideration of Order of Business 299.

The VICE PRESIDENT. The Senator from Idaho calls up the following as a privileged matter.

Mr. HEYBURN. As a privileged matter.

The SECRETARY. Resolution 299, directing the Committee on Privileges and Elections to investigate certain charges relative to the election of ISAAC STEPHENSON.

The VICE PRESIDENT. The pending motion is that of the Senator from Idaho that the report of the committee be adopted.

Mr. KENYON. Mr. President, after the exhaustive review of the evidence in this matter by the Senator from Kansas [Mr. BRISTOW], I do not propose to go further into detail as to the evidence. There are some observations in relation to this matter and especially with relation to the legal aspect thereof that I do desire to discuss.

It may have seemed that the distinguished Senator from Idaho [Mr. HEYBURN] was perhaps pushing the matter a little faster than some of us thought it should be pushed, but I believe he is right in asking as speedy a consideration of this matter as circumstances will justify, in fairness to those who may want to discuss the case. If the charges of corrupt practice are untrue, then Senator STEPHENSON should be quickly vindicated; if true, he should quickly be expelled or the election be declared illegal and void.

I am not unmindful of the unpleasantness of the task or duty of urging that the methods by which a man was elected to this body constitute corrupt practices. It is no pleasant duty to so claim, especially where the occupant is of the advanced years of the junior Senator from Wisconsin. I believe those of the minority of the Committee on Privileges and Elections, much as they disliked to file the report which they did file, were amply justified by the record in this case.

Nor is it a pleasant duty on this side of the Chamber to urge that a member of your own political party has been elected to the Senate by corrupt methods and practices. Some of the minority of that political faith, joining with some of the minority of the Democratic faith, believed from a study of this record that the methods employed in the Wisconsin election should not be countenanced by this body.

It is not an unkind thing, as has been suggested, to raise this question. It may be considered by some unkind to have had any investigation. If this matter is to be determined on the

question of whether we shall be kind or unkind, then nothing, perhaps, need be said. It was not exactly kind possibly to suggest, as is suggested in the opinion of the majority, as appears on page 19 of the report:

> Were a candidate for a State office in Wisconsin to conduct a campaign in the manner in which the campaign of Mr. STEPHENSON, and of other men who sought election to the United States Senate, were conducted, it would be very difficult to justify such conduct under the laws of the State.

It was, perhaps, not kind——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. Certainly.

Mr. SUTHERLAND. Where, in the opinion of the majority, does the Senator find that language?

Mr. KENYON. I find it on page 19 in the opinion of the Senator from Idaho [Mr. HEYBURN].

Mr. SUTHERLAND. The Senator said "in the opinion of the majority."

Mr. KENYON. Possibly I was in error. In the opinion of the Senator from Utah [Mr. SUTHERLAND] and the Senator from Ohio [Mr. POMERENE]——

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. Certainly.

Mr. HEYBURN. Will the Senator permit me to trespass only to point out that the statement distinguishing between the effect of an act by one candidate under the State laws and by one candidate under the national law justifies the expression referred to by the Senator from Iowa. It is obvious that the State of Wisconsin having a law relating to offices under the jurisdiction of the State making penal or a subject of forfeiture of office the doing of certain things, they would not have the jurisdiction or the power to make it penal or the subject of forfeiture of office as applied to a candidate elected under laws over which the State had no jurisdiction. That statement in the report which I had the honor to make is intended to go no further than to distinguish between prohibitions affecting State elections and prohibitions affecting election of a United States Senator, which have nothing to do with the State law.

Mr. KENYON. May I inquire, does the Senator mean that if Senator STEPHENSON had been a candidate for a State office and the same practices had been carried on in that candidacy for the State office—for instance, a governor—that they would be sufficient to nullify the election?

Mr. HEYBURN. I am not referring to practices. I am referring to acts.

Mr. KENYON. Acts, then.

Mr. HEYBURN. An act might be prohibited by the State law——

Mr. KENYON. Let me finish this.

Mr. HEYBURN. Certainly.

Mr. KENYON. Does the Senator claim that acts which may not have been justified under State law can be justified as to an election to the Senate?

Mr. HEYBURN. Because the Wisconsin law says a candidate for office in that State may not do certain things, it does not follow the doing of those things are per se criminal or in violation of any law except the law that declares specifically that they shall not do them.

Mr. KENYON. Does the Senator claim that the Senate of the United States could not investigate unless the matter had been a violation of the Wisconsin law?

Mr. HEYBURN. My reply is rather an inquiry. Why should the Senate of the United States investigate a question in which it is not interested in determining the issue?

Mr. KENYON. If a general scheme of fraud and corruption—I am not referring to this case, but a suppositive case—existed in the election of a Senator, and forsooth there was not a single statute of a State where he was elected that was violated, would the Senate be limited to inquiring whether the statutes of the State had been violated; in other words, whether a man was guilty of a criminal offense, before he could be excluded from the Senate? Is the only disqualification for the Senate that the man is detained in the jail or penitentiary?

Mr. HEYBURN. The Senate is not limited at all except by the question of propriety. There is no limit upon the Senate's power.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SUTHERLAND. The Senator from Iowa read the quotation from the opinion of the Senator from Idaho [Mr. HEYBURN], and referred to it as the opinion of the majority.

Mr. KENYON. I corrected that.

Mr. SUTHERLAND. That is merely preliminary. The minority view does the same thing. So far as I have listened thus far neither the Senator from Iowa nor the majority in their views have attempted to point out any violation of the statute of Wisconsin, except, as they claim, that the expenditure of money was corrupt.

Of course the Senator and I differ upon the facts. I think there is no evidence in this record which shows, or reasonably tends to show, that any of this money was expended for the purpose of corrupting or bribing either voters or members of the legislature. The Senator differs with me about that. Now, waiving that question, can the Senator tell us of any statute that was violated by the Senator from Wisconsin or by any of his agents prior to his election to the Senate of the United States?

Mr. KENYON. I will say in answer to the Senator's question that, giving only my judgment on the matter, I expect to point out in what respect I believe the statutes of Wisconsin have been violated, not conceding that that is at all necessary to sustain the views of the minority; in other words, I contend that corrupt practices may exist that would vitiate an election even if they did not violate the statutes of Wisconsin.

Mr. SUTHERLAND. I was passing the question of the expenditure of money being corruptly used to bribe voters. I asked the Senator whether or not there is anything in the record to indicate any violation of any other statute.

Mr. KENYON. I think it a debatable question, and I propose to point out later where, in my judgment, there has been a violation of the Wisconsin statute.

Mr. SUTHERLAND. I will listen to the Senator with interest.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Idaho?

Mr. KENYON. Certainly.

Mr. BORAH. Those who have not had an opportunity to study this case as thoroughly as Senators on the committee feel an interest in knowing whether or not the committee, either the majority or the minority, is of the opinion that it is necessary to show a violation of any law of the State of Wisconsin in order to lodge a case against the validity of a seat when corruption is charged. We have been discussing in this case the question of a technical violation of some law.

I would be interested to know whether or not it is necessary, except in the way of accentuating the proof, to consider that question at all. In other words, if there were no statute in the State of Wisconsin prohibiting any of these things which are claimed by one side to have been done and by the other not to have been done, if there was no law either with reference to bribery or the use of money, would it in anywise embarrass or control this case in the judgment of the committee?

Mr. SUTHERLAND rose.

Mr. KENYON. Is the Senator from Idaho directing his inquiry to me?

Mr. BORAH. I directed it to the Senator from Iowa, if he desires to answer that question, and I would like to hear from the other side, too.

Mr. KENYON. Then the Senator can take his choice. I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I do not think it is necessary to show that the Senator from Wisconsin has violated any——

Mr. BACON. Mr. President, I want to suggest that this is a matter of some importance and we should be informed about it. If the Senator from Iowa occupies his present place in the Senate whenever he is interrupted, those who are interrupting him necessarily turn their backs to this part of the Chamber, and we can hear nothing whatever of the discussion. I think if the Senator from Iowa would take a more central position during the delivery of his speech it would be very much to the advantage of all.

Mr. KENYON. I am perfectly content that Senators shall turn their backs on me and turn to the other side of the Chamber.

Mr. BACON. The Senator can be heard very well from where he stands while he is speaking, but when he is interrupted Senators interrupting him necessarily turn to him and we can not hear the discussion between the Senator and those who interrupt him.

Mr. SUTHERLAND. Mr. President, I do not contend that it would be necessary to show that the Senator from Wisconsin had violated any statute of the State of Wisconsin. If it were shown that he had by the use of money corrupted voters, bribed voters, I would not care whether there was a statute of the State of Wisconsin against it or not. I should vote in a

case of that kind that the Senator forfeited his right to his seat. But my inquiry of the Senator from Iowa was directed to his statement that the Senator from Wisconsin had violated some statute, and I carefully limited my inquiry, when I made it, by excluding from it any evidence tending to show corruption or bribery, and asked him whether or not there was a violation of the statute of Wisconsin in any other respect, because it seems to have been taken for granted that the Senator from Wisconsin had violated some specific statute of Wisconsin in addition to having corrupted and bribed voters.

Mr. KENYON. The Senator from Utah will remember that I suggested it was a debatable proposition, not conceding at all that it is necessary for the purpose of this inquiry that a statute of Wisconsin be violated. Indeed, it would seem to me that it was an error, if I may be pardoned for saying so, of the distinguished Senator from Utah and the distinguished Senator from Ohio in their report, in assuming and arguing that there was no violation of the Wisconsin statute and giving that a prominence and importance which it did not deserve. If there had been a question of debauchery of the electorate of Wisconsin, if every man in Wisconsin had been placed on the pay roll of Senator STEPHENSON, that would have been no violation of the laws of Wisconsin, but certainly the Senate would inquire into that kind of practice as a corrupt practice. So I think the statute only, as the Senator from Idaho [Mr. BORAH] suggests, accentuates the situation.

Mr. HEYBURN and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the senior Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. Mr. President, I hope my colleague will pardon me if I seem to interrupt him. I think Senators fail to distinguish between a proposition to expel a Senator and the investigation of the validity of an election of a Senator. In the question of his election his personal character cuts no figure whatever. The doing of immoral things or the commission of immoral acts cuts no figure whatever. It is a clear-cut question, Was he elected? And the only inquiry adverse to it is, Did he do things forbidden by law? You must get that question clear in your mind or you will be confused throughout all this question. If a Senator is elected without violating the laws governing the election his election must be conceded. Then the question as to whether or not he is entitled to retain his seat in this body may be raised by proceedings to expel him, and in such proceedings you may go into his individual character; you may inquiry as to whether he is a gambler or drinks to excess or does anything that would render him an unfit companion to sit in this body with reputable Senators. I think it is that failure to draw the distinction out of which some of the controversy arises.

Mr. KENYON. Then you can not investigate the election of a Senator unless he has done things that make him a candidate for the jail or the penitentiary. Is that the position of the Senator from Idaho?

Mr. HEYBURN. No; he may violate the laws of the United States whether he was subject to such punishment or not. The law of the United States may say that he shall forfeit his office; it may provide any one of several conceivable penalties. I am discussing this from the standpoint of the law as it exists now, not from the standpoint of the law as it would exist if the Constitution of the United States was amended, because, thank God, it is not amended.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Putting aside the question of expulsion, requiring, of course, two-thirds of the Senate, and viewing this matter solely as to the validity of the seat of the Senator from Wisconsin, I understand now the Senator from Utah and my colleague differ as to the proposition of the necessity of proving the violation of some law.

Mr. HEYBURN. I do not think we differ.

Mr. BORAH. My inability to distinguish between the two propositions may be the real trouble, but certainly it would not make any difference whether Mr. STEPHENSON had violated any law or not so far as our right to inquire into the validity of his election is concerned. When it is charged that he has used money in a corrupt manner for the purpose of obtaining his seat, it would not make any difference if there was no law upon the statute books of Wisconsin in reference to that subject; and it would not be sufficient, either, if it was contended that he had been legally and formally elected by the legislature, to cut off any investigation of the legislature to find out what fraudulent or corrupt influence worked upon the legislature to bring around that legal formality. The very object and purpose of inquiring into corrupt methods is to pass from under the formality of law and to see whether what was done according to the law and in conformity with it was in reality accomplished by corruption.

Mr. HEYBURN. I will ask the permission of the Senator from Iowa while I make this suggestion.

Mr. KENYON. Certainly.

Mr. HEYBURN. Under no law, written or unwritten, was Mr. STEPHENSON a candidate, with responsibilities as a candidate, prior to the meeting of the legislature and its proceedings for the election of a Senator. The term "candidate" has been used as a fiction. It has been used as a substitute for a legitimate word. It has no application.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. With pleasure.

Mr. WORKS. Mr. President, this phase of the question is to me a very important one. I think I have not overlooked the distinction between the grounds that would justify the Senate in expelling one of its Members and all matters that go to the question of title to the office, which, I think, are two distinct and separate things. But in this case the whole question, it seems to me, turns upon one thing, namely, whether the corrupt expenditure of money, for I assume it to be corrupt, in securing votes at a primary election does in fact taint his seat in this body, if by that means he procured votes in the legislature. It is said, of course, that in an election for United States Senator the primary election has no place.

Mr. KENYON. I would like to inquire about how much of my time the Senator proposes to take.

Mr. WORKS. If the Senator objects, I will take none.

Mr. KENYON. I do not like to object, but I propose to discuss that very question. I only want to have a little of my time for my own use.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. KENYON. Mr. President, I have started to make some suggestions arising out of this report, but in answer to the suggestion of the senior Senator from Idaho [Mr. HEYBURN] I will say there is no misconception in my mind, although I may state it rather crudely, as to the difference in the proposition of the expulsion of a Senator, and the fact that he is not legally elected. A man might be here who was an unfit man to associate with, as the Senator has suggested, and he could be expelled. I imagine if a man had leprosy or something of that character, or on, perhaps, general moral grounds, he could be expelled, although his election had been absolutely legal. He could be here as one of the best men in the world, with nothing against him at all, although his election had been invalid. He could be here under circumstances where he had been instrumental in corrupt practices that would warrant his expulsion, and at the same time those corrupt practices could have entered into the election and vitiated the election.

Some of the minority have been perplexed as to whether or not the fact that Senator STEPHENSON had turned loose this enormous sum of money that shocks public conscience, and I think shocks the conscience of most men, in itself was not sufficient to justify a resolution of expulsion. I have thought in studying this record that the testimony goes further than that—and I know on that I differ from the distinguished Senators of the majority, and I dislike to differ from them—went to the extent of corrupting in a polite, perhaps, and modern style the election itself. Of course, to say that, I must add that under my contention the primary is an instrumentality of the election.

In the report as submitted by the distinguished Senator from Utah [Mr. SUTHERLAND] and the Senator from Ohio [Mr. POMERENE], this language is used, which might be considered likewise unkind:

> The account which was filed of the expenses incurred in connection with the primary did not comply with the law in that it lumped the expenses; gave the names of but very few of the persons to whom money was paid; did not give the dates when expended, nor as fully as contemplated by the statutes the purposes for which expended. The account as filed was approved by the general counsel of Mr. STEPHENSON without any examination of the statute, and simply because it conformed with certain accounts, which had been filed by prominent candidates for other offices. A careful examination of this account justifies the belief that it was purposely drawn so as to give to the public as little information as possible.

Mr. SUTHERLAND. Will the Senator read what follows, because it qualifies it?

Mr. KENYON. Certainly.

> The penalty for failing to comply with this statute is a fine only, and it does not provide for the forfeiture of the office. If it did, the statute to that extent would be unconstitutional, but Mr. STEPHENSON, because of his failure to file a proper account, has violated the statute and is subject to a fine. However, he must be absolved from any moral

delinquency, because in the preparation and filing of his account he consulted with counsel, and followed their advice, and if it was not properly done they were to blame rather than he.

Is that as far as the Senator desires me to read?

Mr. SUTHERLAND. That is all.

Mr. KENYON. The language of the distinguished Senator from Idaho I do not thoroughly understand, but it seems to me that the language in his clear-cut way of putting things is an indictment of this entire election and might be considered likewise unkind.

The amount of money expended by Mr. STEPHENSON, Mr. Cook, Mr. Hatton, and Mr. McGovern in the primary campaign was so extravagant and the expenditures made by and on behalf of these gentlemen were made with such reckless disregard of propriety as to justify the sharpest criticism. Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

I have not been able, as one of the minority, to understand how the Senate could be asked to place its mark of approval upon practices and methods involving expenditures which were in violation of "the fundamental principles underlying our system of government."

Mr. HEYBURN. But, Mr. President, I state what fundamental principle it is. I do not believe it is a general statement. It is that one fundamental principle to which I refer.

Mr. KENYON. That is, the expenditure in "the selection of electors." I suppose there is an explanation for it.

Mr. HEYBURN. I notice other Senators seem to have overlooked it.

Mr. KENYON. I am perhaps more dense.

Mr. HEYBURN. No; it is not an occasion on which the Senator can charge himself with being dense. I should like to just straighten that out now. It will take but a moment to do it.

Mr. CLARK of Wyoming. To what page of the report does the Senator from Iowa refer?

Mr. KENYON. To page 30 of the report.

Mr. SUTHERLAND. While the Senator from Idaho [Mr. HEYBURN] is looking for a reference, will the Senator from Iowa permit me to make a suggestion?

Mr. KENYON. Gladly.

Mr. SUTHERLAND. The statement here is:

Such expenditures were in violation of the fundamental principles underlying our system of government—

And so on. The Senator, I take it, would be willing to concede that certain things might be in violation of the fundamental principles of our system of government, and yet not such as to involve a moral offense or the doing of a wicked thing. For example—though the Senator and I differ about it—I think the initiative, the referendum, and the recall are in absolute violation of the fundamental principles of this Government, and yet it is not a wicked thing to put them into operation.

Mr. KENYON. The Senator from Utah undoubtedly thinks it is a wicked thing.

Mr. HEYBURN. I now have the reference for which I was looking:

Such expenditures—

This is a final and complete statement, new and different from anything that has preceded it——

Mr. KENYON. From what pages does the Senator read?

Mr. HEYBURN. I am reading from the second paragraph on page 24 of the large volume:

Such expenditures were in violation of the fundamental principles underlying our system of government, which contemplated the selection of candidates by the electors and not the selection of the electors by the candidate.

It was intended in a form to restate the old principle of objection against the man seeking the office rather than the office—which is the people themselves—seeking the man. That is all there is of that. It is not a statement that goes beyond that.

Mr. KENYON. It is rather a startling method of stating the objection which the Senator had in mind.

Mr. HEYBURN. I beg the Senator's pardon.

Mr. KENYON. I say it is rather a startling way of stating the objection and the proposition that the Senator had in mind, but possibly a forcible way of stating it.

Mr. HEYBURN. I think the language fits the sentiment.

Mr. KENYON. I think it expresses the Senator's view. I want, however, to pass to the legal question that has been suggested by the Senator from California.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. KENYON. I do.

Mr. KERN. I observe that in that denunciation the conduct of Mr. McGovern is condemned with equal severity as that of Senator STEPHENSON. I should like to inquire what amount of money Mr. McGovern is said to have expended in that election.

Mr. KENYON. That appears in the report.

Mr. KERN. As I remember, it was something like $12,000.

Mr. BRISTOW. Mr. President, it was eleven thousand and eighty-odd dollars, as I remember.

Mr. KENYON. Does that answer the question of the Senator from Indiana?

Mr. KERN. It does.

Mr. KENYON. Mr. President, the legal questions which have been suggested by the distinguished Senators from Idaho and California are interesting to any lawyer, are very serious, and very important in this case. The Senator from Idaho raises a question as to our power to inquire into a primary and to declare void an election by a legislature where the real offense is in the primary. If we confine this discussion to actions within the legislature itself, under the clause of the Constitution that Senators shall be chosen by the legislatures of the several States, I can not, in a fair judgment on this record, make up my mind beyond any question that there was any such corruption in the legislature itself, dissociated from any primary, as would warrant the unseating of Mr. STEPHENSON or the nullification of his election. There are suspicious circumstances. At that election the three Democrats remaining away is a very suspicious circumstance, although there is no testimony in the record to show that they were in any way corrupted. Then there is the evidence as to Mr. Wellensgard, Mr. Bancroft, and Mr. Reynolds, who had received money either when they intended to be candidates or after they were candidates for the legislature, and in the case of Wellensgard, I think, he received money after the time he was elected. I am in this discussion inclined to agree with the distinguished Senator from Idaho that the election occurred in January. I do not believe that any presiding officer, where both houses had voted, could set aside that election and thus delay an election; but I have not thought that consideration important on the theory of the case which presents itself to my mind and which I am trying to present to the Senate.

Messrs. Wellensgard, Reynolds, and Bancroft had in their pockets the money of the candidate for Senator. I realize that the term "candidate for Senator" may not be constitutionally correct, but I use it with reference to the circumstances in this case.

If it is not a corrupt practice for the members of the legislature and for men who are candidates for the legislature who are to vote for a Senator to accept the candidate's money, even though they say they use it for him and not for themselves, then there is not anything so far as the proceedings before the legislature itself are concerned to show corruption. I myself think it is a contemptible practice and that it ought to be considered a corrupt practice, sufficient to nullify an election. That view, it seems to me, applies as to these three gentlemen, I do not care if one of them was afterwards elected speaker of the Assembly of Wisconsin. You might just as well, in trying a lawsuit, employ members of the jury to go out and do some work for you. It might be said that that does not affect the juryman, he is not to work on anything connected with the case on trial; he, however, has the litigant's money in his pocket, but is doing something else. How long would a verdict returned under those circumstances stand? Here were three members of this jury, the jury that passed on Senator STEPHENSON's election, who had been at work, as they said, for him, but, as the evidence clearly shows, both for him and for themselves with his money in their pockets. How long should a verdict of that kind stand when it comes to the court of final review—the Senate of the United States? I do not, however, base my argument on that, but on the corruption in the primary.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. If the Senator will pardon me for another interruption, it is just on that point that I hope he will make himself clear. The question in my mind is whether it is sufficient to prove corruption at the primary election or whether you must go further and prove that corruption extended to the election in the legislature, which was the legal election?

Mr. KENYON. That is just what I am coming to. Some questions suggest themselves. Is the power of the Federal Government over primary elections coequal with the power of the Federal Government over general elections? Clearly not. Each House of Congress can determine whether one of its Members has been legally elected, but where is the power to determine whether a Member of Congress or even a member of the legislature has been fairly nominated?

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. I should like to call the attention of the Senator to the figures. He concedes that Senator STEPHENSON was really elected on January 27?

Mr. POMERENE. January 26.

Mr. HEYBURN. Well, January 26 and 27.

Mr. KENYON. I gave that as my judgment as to the time when he was elected.

Mr. HEYBURN. Well, Senator STEPHENSON had 5 majority in the senate and 24 in the house, so that 3 votes would not affect the result.

Mr. KENYON. That raises another question—whether there must be a sufficient number of votes affected to overcome the majority or whether it is sufficient to show such a general scheme of fraud and corruption as to vitiate the election; but I appreciate there is force in the Senator's suggestion from his viewpoint. The question is, Were there corrupt practices in the election? That is the constitutional question—not corrupt practices in the primary. I like to state a case as strongly against myself as I can and see if I can answer it. May there not be corruption at the primary and no corruption at the election? Is it possible for an innocent person to cast a corrupted vote? Does the primary relate only to the question of a party nomination, and what power is there under the Constitution to regulate in any way the times, places, or manner of party nominations? What member of the legislature was induced by corruption to vote for STEPHENSON? Of what binding force is the primary? What did STEPHENSON gain by the primary? He could not insist that the primary had settled the election; he could not go to the legislature and say, "I have carried the primary; you must elect me Senator." What did it amount to as to STEPHENSON?

Can a corrupt influence acting on voters, expressing preference at a primary, in any way be connected with votes cast in the legislature? The Constitution knows nothing about a primary. It does not recognize a primary. It has nothing to do with a primary. Then how can the Senate take into consideration what occurs in a primary in unseating a Senator or in declaring an election invalid? I think these observations state the difficulties from a legal standpoint of the primary question.

I realize that these are difficult propositions. My answer is this: We are not attempting to regulate a primary. We are doing nothing with the primary as a primary. The primary is one of the methods employed in the election, just as a caucus is one of the methods employed in an election. It is as closely connected as cause and effect. The primary may be said to be the real election, and I think that language was used, or practically that, by a distinguished Senator in the debate on the publicity bill. We simply inquire not into the primary as anything that is recognized by the Constitution but merely as an instrumentality of the election, and we simply inquire into the methods that have been employed in the primary, the primary in itself being one of the methods employed in the election.

We have no right to say what shall be done at the primary. Nothing in reference to registration, nothing as to the length of hours the polls shall be open, nothing in relation to the ballot—some such rights we might have at an election. While we can not regulate what is done at the primaries, we have a right to say that if certain things are done at the primaries, they are corrupt practices, and void the election if they enter into and influence and control it.

We merely inquire, Has the primary been one of the corrupt means to bring about an election? Senator STEPHENSON accepted the primary as one of the means and methods entering into his election. He spent the great amount of his money not in the legislature but in the primary. If he did not recognize that as one of the methods entering into his election, why did he spend all that money at the primaries? It was virtually the election under the practices of the State of Wisconsin. It was accepted by all these candidates as binding in honor upon them. It was accepted by members of the legislature as binding upon them, and having accepted it as he did, Senator STEPHENSON can not now be heard to say that the primary had nothing whatever to do with the election.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. The Senator would not contend that the candidates could meet and agree upon a fictitious code by which they would be governed, and then hold that was a substitute for the law? The act of Congress does not refer to an election by the electorate, but only to an election by the legislature. So it seems to me that meets the suggestion of the Senator that this was an election and should be given the status of an election. If Senator STEPHENSON was ignorant of the law, or if any other candidate was, and proceeded on the assumption that the law was as it was not, it could not affect the result.

Mr. KENYON. I agree with you in that; but if five men were candidates in a senatorial contest, they being the only men who had become candidates, and if one of those men paid the others a sum of money to withdraw and leave the field entirely to him, would it not be a corrupt practice and still have nothing to do with the election? It would be a corrupt method which would enter into and influence the election.

Mr. HEYBURN. There is a question which does not arise in this case. I do not think the Senator from Iowa claims it does.

Mr. KENYON. It is analogous.

Mr. HEYBURN. It confuses the argument to bring in an extraneous legal proposition and by arriving at a conclusion upon it make that conclusion the basis of another one. I do not care to indulge in that.

Mr. KENYON. The primary merely takes the place of the people who would be corrupted; the people there were corrupted, the primary here corrupted.

Mr. HEYBURN. But the primary and the people are entirely outside of the pale of the Constitution.

Mr. KENYON. But it is as stated by Senator Hoar in the Payne case. If B, C, and D have promised to vote as A shall vote, if A be corrupted, 4 votes are gained by the process, though B, C, and D are innocent.

Mr. HEYBURN. The Senator would not carry it so far as it was attempted in this case. It was undertaken to show that a certain member of the legislature was paid to retain his seat; that is, to be in at the session; and that that was a corrupt act. It was the hiring of a man to do something that affected the result, but it was only hiring him to do his duty. It was his duty to be in his seat.

Mr. KENYON. I suppose it is a man's duty to vote.

Mr. HEYBURN. Yes.

Mr. KENYON. But if he is employed to vote for a certain man would it not be corrupt?

Mr. HEYBURN. That would not be corrupt, because it is his duty to vote.

Mr. KENYON. I can not agree with the Senator from Idaho.

Mr. HEYBURN. Oh, I do not mean to vote for a certain man, but I mean to perform the function of his office—to vote. That would not be corrupt.

Mr. KENYON. Take the case of a caucus. A caucus is not recognized in any way under the Constitution. Suppose a caucus is corrupted. It is just a shade nearer the election than the primary. I do not think anyone would seriously contend that if a man secured the nomination of his party in caucus by corrupt methods the Senate could not investigate it; there are precedents to substantiate that. I have thought that even a State convention, where a State adopted the practice of nominating or designating, if you please, a Senator at a State convention, and that was accepted by the candidates, and that was the custom of the party and understood by the people and these men were in honor bound to abide by the action of the convention, and a man was designated as Senator at that convention, and the members of the legislature, in honor bound to abide by the decision of the convention, voted for this man, and then it developed that the convention had been corrupted, we could reach over and investigate that convention, not because it is a part of the election of a Senator, but simply because it is one of the methods employed. I do not go to the extent of a "straw vote," as the Senator from Idaho suggested.

Now, we have other authority in the report of the distinguished Senators from Utah and Ohio, who evidently differ with the distinguished Senator from Idaho.

They say, on page 28:

> We have no hesitancy in saying that if the evidence disclosed the use of corrupt methods at the primaries, it would affect the result of the election by the general assembly, and the Senate would be justified in taking cognizance of that fact and unseating any Senator who was thus delinquent.

I realize that lawyers differ on this proposition, but it is a very dangerous precedent to say that a primary established by law within a State, recognized by candidates, can be debauched and corrupted, and yet the Senate can not investigate it or can not unseat a Senator because of corruption in the primary. If there is no precedent on that proposition, because primaries are new institutions, it is time to make a precedent. But I contend that there are.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. HEYBURN. If there was corruption, it commenced in the legislature which enacted a statute in violation of the Con-

stitution of the United States. That is where it commenced. The legislature that undertook to say that a Senator of the United States should be elected in some other way than that provided for by the Constitution of the United States performed an act either of ignorance or of corruption—one or the other.

Mr. KENYON. I suppose the Senator could go still further——

Mr. HEYBURN. And carry that right down the line.

Mr. KENYON. I suppose, then, on the Senator's theory the people who voted for that kind of a legislature were corrupt.

Mr. HEYBURN. I am not on the side that is seeking to regulate the Legislature of Wisconsin. I was merely giving a reason. In other words, I was carrying out the analogy. The Senator said that to violate the law was a corrupt act—a law that had been passed without authority; that to violate it was a corrupt act. The way to treat a law enacted without authority is to disregard it. The man makes a mistake when he undertakes to comply with it. Senator STEPHENSON made a mistake. I hold no brief for Senator STEPHENSON, although I saw a newspaper statement last night that I was representing him on the floor. I am not. I am not representing him or anyone else. But of course he made a mistake when he undertook to comply with a void law—absolutely void; not only void, but a vicious law. He undertook to comply with it because he did not know or realize that it was a void or vicious law, I assume. Whether he succeeded in complying with it or failed is a matter of no consequence whatever.

Mr. NELSON. I ask the Senator from Idaho if the people violate the Constitution in establishing the primary system, can such a violation be reached by this new doctrine of the judicial recall?

Mr. HEYBURN. If the Senator from Iowa will pardon me, it might be reached by submitting the decision of the Supreme Court to the fourth ward for rejection or approval, or it might be reached by suspending the statutes of Congress by a proclamation, or by several vicious examples that we have known in recent years.

Mr. KENYON. What ward is it that the Senator referred to?

Mr. HEYBURN. The fourth. The fourth is just as good to illustrate the point as any other. It would be submitted to the wards.

Mr. KENYON. A national convention is unknown to the Constitution. If a national convention was a corrupted institution, I suppose that question could never be raised in any way?

Mr. HEYBURN. I think no one will contend that the proceedings of a national convention could be made the subject or the ground for impeaching a President or Vice President who was elected pursuant to its action. I think no one will contend for that. That would result in anarchy.

Mr. KENYON. I do not desire to claim that it could.

Mr. WILLIAMS. I understand the Senator from Idaho to say that the law providing for a primary in a State is an act of corruption and a violation of the Constitution of the United States.

Mr. HEYBURN. The Senator from Mississippi did not hear me correctly. I said a law providing a primary election to dispense with the provisions of section 4 Article I.

Mr. WILLIAMS. I understand. In other words, a law providing a primary election in a State as a means of determining the candidate of a party for the office of senator in a State——

Mr. HEYBURN. No; not a senator in a State—a Senator of the United States.

Mr. WILLIAMS. Either one. Call it whatever you please—a Senator from the State to the Congress of the United States or in the Congress is a violation of the Constitution of the United States and an act of corruption.

Now, then, the Constitution of the United States says as distinctly in connection with a President that he shall be elected by the electoral college as it says in connection with a Senator that he shall be elected by the State legislature. Therefore, if the logic of the Senator be good, then a national convention to nominate a President of the United States is a violation of the Constitution of the United States and is an act of corruption. Why? Because the one is an instrumentality resorted to for the purpose of ascertaining the will of the people in order that the instrumentality designated by law as the elective machinery may be guided, and so is the other.

Mr. HEYBURN. The Senator would not contend that the convention controlled the action of the electoral college. The electoral college is free to elect a President of the United States, and all that the national convention does is to express a preference and adopt a platform and leave it to the honor and the free will of the electoral college.

Mr. WILLIAMS. Yes. All that a national convention does is to put an elector belonging to the party which that national convention represents in a position where he is bound in honor to carry out the instructions of the convention; and all that a primary to designate a candidate of the party for Senator does is to put the members of the legislature belonging to that party in a position where as a matter of honor they are compelled to carry out those instructions. An elector may violate his instructions. A legislator may violate his instructions. One is as free as the other. But the question of honor is there.

Mr. HEYBURN. Would it affect the validity of the title to the office?

Mr. KENYON. I should like to have a little part of my own time.

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor.

Mr. WILLIAMS. If it be proven that a vote of a legislator in a legislature was due to the fact that he was instructed in the primary, and then it was proven that the primary was corrupt, why does it not affect the election itself?

Mr. KENYON. I agree with the Senator from Mississippi.

I want to read as bearing on this very question a short portion from one of the minority reports in the Payne case, signed by Senators Teller, Evarts, and Logan. I read from page 711 of Senate Election Cases, volume 3:

> We have in our conclusions made no distinction between the use of fraud, corruption, or bribery in a caucus vote or in the legislative vote for a Senator. Although a caucus or what proceeds in it has no constitutional or legal relation to the election of a Senator, yet by the habit of political parties, the stage of determination as to who is to be elected Senator, and the influences, proper or improper, that produce that determination is that which precedes and is concluded in the caucus. So far as the question of personal delinquency or turpitude is concerned, no moral distinction should be taken between corrupt proceedings in caucus and those in the legislature. How far any such distinction would need to be insisted upon in any case on the question of unseating a Senator where he himself was not affected with any personal misconduct or complicity with the misconduct of others, we have no occasion in the immediate case or attitude of the subject to consider or suggest.

I now read from page 715 of Senate Election Cases, volume 3, from the report in the Payne case, signed by Senators George F. Hoar and William P. Frye:

> What is the effect upon an election of Senator of bribery of voters in a caucus of the legislators who are to make the choice is a question upon which we prefer not to form an opinion until the evidence is before us. The members of a caucus ordinarily deem themselves bound in honor to vote in the election for the person whom it nominates by the vote of a majority on condition that such person belonged to their party and is fit for the office in point of character and ability. Bribery, therefore, which changes the result in the caucus, would ordinarily determine the election.
>
> If B, C, and D have promised to vote as A shall vote, if A be corrupted 4 votes are gained by the process, although B, C, and D be innocent. In looking, therefore, to see whether an election by the legislature was procured or effected by bribery, it may be very important to discover whether that bribery procured the nomination of a caucus whose action a majority of the legislature were bound in honor to support.

I read further the words of Senator Hoar and Senator Frye in their minority report, page 717:

> It will hardly be doubted that cases of purchase of seats in the Senate will multiply rapidly under the decision proposed by the majority of the committee. The first great precedent to constitute the rule under this branch of law is to be this:
>
> "Held, by the Senate of the United States, that a charge made by the legislature of a State, and by the committee of the political party to which the larger number of its citizens belong, and by 10 of its Representatives in Congress, that an election of Senator was procured by bribery, accompanied by the offer to prove the fact, does not deserve the attention of the Senate."

In the Caldwell case, which seems to me to be directly in point, Mr. Caldwell had agreed to pay to Mr. Carney $15,000, Carney to withdraw as a candidate and throw his influence to Mr. Caldwell. Carney was in the place of the primary as to the influence exerted. There was the corrupting influence. In the report of the majority in that case, which is found beginning on page 429 of Senate Election Cases, 1789–1903, after setting forth this infamous bargain, it is said at page 430:

> The first question to be considered is: Was this arrangement corrupt? Was it the use of corrupt means on the part of Mr. Caldwell to procure his election? The committee are of opinion that it was corrupt; was against public policy; was demoralizing in its character; directly contributed to destroy the purity and freedom of election, and not to be tolerated by the Senate of the United States as a means of procuring a seat in that body.
>
> * * * * * * *
>
> Looking at the transaction in its real character, it was a sale upon the part of Mr. Carney of the votes of his personal and political friends in the legislature, to be delivered by him to Mr. Caldwell as far as possible. If it were legitimate for Mr. Caldwell to buy off Mr. Carney as a candidate, it was equally legitimate to buy off all the other candidates and have the field to himself, by which he would exert a quasi-coercion upon the members of the legislature to vote for him, having no other candidate to vote for. It was an attempt to buy the votes of members of the legislature, not by bribing them directly, but through the manipulations of another.

And if corrupt practices existed in a primary it would be securing the votes of the legislature by the manipulation of the primary.

The purchase money was not to go to them, but to Mr. Carney, who was to sell and deliver them without their knowledge.

Mr. HEYBURN. The Senator I think there——

Mr. KENYON. In just a moment. Please let me finish the reading—

Buying off opposing candidates, and in that way securing the votes of all or the most of their friends is, in effect, buying the office. It recognizes candidacy for office as a merchantable commodity, a thing having a money value, and is as destructive to the purity and freedom of elections as the direct bribery of members of the legislature.

A candidate for the Senate without strength or merit may, by purchasing the influence and support of all or a part of his competitors and withdrawing them from the canvass, succeed in an election, thus not only committing a fraud upon the friends of the candidates who were purchased off, but a greater fraud upon the people of the State, who may be thus saddled with a representative in the Senate of the United States about whom they know little, for whom they care nothing, and who possesses little ability to represent their interests.

That was the language in the Caldwell case.

Mr. HEYBURN. I only want——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I yield for a question, but not for an argument.

Mr. HEYBURN. I only want to call attention to a danger in the record. The Senator interpolated his comments on a primary.

Mr. KENYON. I will arrange that.

Mr. HEYBURN. That will need some correction.

Mr. KENYON. I think that is true.

In the debate on the Caldwell case, the Senator from Vermont, Mr. Morrill, expressed his surprise at the enormous sum of money, $15,000, as he said the largest amount of alleged corruption of that kind in the history of senatorial elections, while we are here presented with seven times that amount. The great Senator from Indiana, Mr. Morton, said:

It is in the broadest sense "undue influence" over suffrage, exerted for a "lucrative consideration," and none the less so because the persons upon whom exerted were ignorant of the character of the transaction. It is bribery in the wholesale rather than retail.

And again he said:

For example, suppose a man secretly procured an opposing candidate to be poisoned and thus secure his election, and afterwards the crime becomes known; or suppose he secretly procure his opponent to be kidnaped, and the sudden disappearance being unaccounted for he thus obtains the election; or suppose he procure his opponent to be arrested upon false charges of crime, and thus obtain his election; or suppose he procure his election by the most monstrous frauds, by intimidation, by gross bribery, by buying off the opposing candidates, or by other dishonorable and illegal means, and slip into the Senate before his offense is discovered, shall it be said that the success of his crimes and their successful concealment for the time shall become their constitutional protection, and that he may hold onto the seat which he has thus illegally and fraudulently obtained?

I want to pass from that proposition, because anxious to finish what I have to say to-night, and I will hurry along. I think these precedents establish sufficiently the proposition that corruption at a primary, if it enters into and affects the election by exerting an undue influence on the members of the legislature who are in honor bound, is a subject for investigation, and that corruption at the primary can vitiate an election.

The second proposition I want to lay down is that if the corruption or corrupt practice existed in the primary to such an extent as to taint and vitiate it, and members of the legislature held themselves in honor bound by the primary, not knowing of corruption, was the primary not then a corrupt influence in itself, and did not this corrupt or, rather, corrupted influence sway the judgment of members of the legislature and bring about the election thereby?

The third proposition is one also of difficulty, and that is the one that has been suggested here many times to-day. I maintain it to be the law, as far as this investigation is concerned, or, at least, as far as this case is concerned, that acts at the primary may not constitute a technical violation of the Wisconsin statute, yet that may be sufficient to constitute corrupt practices. I do not in this concede for one moment that they are not in violation of the Wisconsin statute. I wish I had more time to go into the suggestion of the distinguished Senator from Utah [Mr. SUTHERLAND]. I want to refer to simply one section. It is section 4478, paragraph 3. I will not read it, but will be glad to insert it in my remarks, if there is no objection:

3. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

The giving of something of value to a newspaper or the giving of something of value to voters, bringing them in, as they were brought in from the quarry, to influence and secure votes, is very close to a violation of the Wisconsin bribery statute. I am not going to enlarge upon that now, because I have not time. It is a debatable question. I believe when the editor of a newspaper who is opposed to a man, writing articles about him depreciating his ability and his character, receives a large sum for advertising, and immediately sways the influence of his paper and endeavors to influence voters in favor of the man he has been opposing before he receives this thing of value, that we have a question for a jury under proper instruction of the court. I do not believe he could be convicted, but do believe the technical offense would be there.

But the term "corrupt practice" is one of large import. It is not limited to technical violations of a statute. We draw a good deal of illumination from the decisions under the English corrupt-practices act and decisions under the Canadian acts and in the Provinces of Canada. I have not time to go into those fully. Of course most of them are under statutes and acts of Parliament or the legislative assemblies of Canadian Provinces, but there is language in them as to the effect of corrupt practices carried to such an extent as to constitute bribery practically under the common law that illuminates the general subject.

For instance, in the case of Sisson's petition *v.* Ardagh respondent (Dominion of Canada), found in Hodgin's Election Cases, page 50, it was held: That the hiring by an agent of the respondent of a railway train to convey voters to and from places along the line of railway where they could vote was a payment of the traveling expenses of voters in going to and from an election within the meaning of section 71 of 32 Victoria, chapter 21, and was a corrupt practice and avoided the election.

This is based on the theory of corrupt practices under the statute.

There was a case of employing a railroad train to bring voters to the polls. It was held to be a corrupt practice and to vitiate the election.

Again in the election for North Middlesex, in the case of Cameron *v.* McDougall, found in Hodgins Election Cases, 376, it was held——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Will the Senator from Iowa please inform us whether in the instance referred to, where it was held that the employment of a train to haul voters to the polls was a violation of some section of the British statute——

Mr. KENYON. Yes; of the Canadian statutes, or rather of the Legislative Assembly of Ontario.

Mr. POMERENE. In other words, there was a specific statute making that an offense.

Mr. KENYON. I intended to say that. I did so state, I think.

Mr. POMERENE. I did not so understand the Senator.

Mr. KENYON. I am only gathering light from the language of the court in a number of these cases.

Mr. SUTHERLAND. Mr. President, will the Senator permit me an inquiry?

Mr. KENYON. Certainly. I am very anxious to get through, that is all.

Mr. SUTHERLAND. Does the Senator think that would be a corrupt practice such as would invalidate a seat in this body if done by a candidate for the United States Senate?

Mr. KENYON. I make this distinction: There are certain customs, of course, that have grown up and are regarded as proper. I do not think myself that bringing voters to the polls is a proper proceeding, but I do think that if you would pursue that to excess, so that you are paying for bringing a substantial number of voters to the polls, it is a corrupt practice the same as excessive treating might be.

Mr. SUTHERLAND. The Senator knows it is the practice in practically every State of the Union for each party on the day of election to hire carriages and automobiles to bring voters to the polls by wholesale.

Mr. KENYON. I think it is wrong.

Mr. SUTHERLAND. I agree with the Senator; I think it is thoroughly improper; but is it a corrupt thing to do?

Mr. KENYON. I do not think it is corrupt unless it is carried to an extraordinary degree. Take a county election. If at such an election you haul men in by the hundreds who did not intend to vote, I would think it might be a corrupt practice, but I recognize——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Ohio?

Mr. KENYON. I do.

Mr. POMERENE. Will the Senator inform us where he would draw the dividing line between what would be a corrupt practice and what would not be in that transaction?

Mr. KENYON. Oh, just as you would draw a dividing line between what is reasonable care and what is not reasonable care. It depends upon the particular circumstances and conditions surrounding the transaction. It must go to such extent as to amount to undue influence.

Mr. POMERENE. Can the Senator refer us to any precedent?

Mr. KENYON. If the Senator will just give me time I will try to reach some.

Mr. POMERENE. I would be very glad to hear them.

Mr. KENYON. I did not mean to be discourteous at all.

Mr. POMERENE. Oh, I did not so understand it.

Mr. KENYON. In a case arising out of the election for North Middlesex, Cameron, petitioner, *v.* MacDougall, respondent (Hodgins Cases, 376), it was held that treating was not per se a corrupt act except when made so by statute, but the intent of the party treating may make it so, and the intent must be judged by all the circumstances by which it is attended. When it is done by a candidate in order to make for himself a reputation for good fellowship and hospitality, and thereby to influence electors to vote for him, it is a species of bribery which would void his election at the common law, and the court says (p. 386):

> It seems to all come to this: Treating is not per se a corrupt act. The intent of the act must be judged by all of the circumstances by which it is attended. If in this case the evidence led me to the conclusion that the respondent did what he did in order to make for himself a reputation for good fellowship and hospitality, and thereby to influence electors to vote for him, I should incline to think it a species of bribery which would void the election at common law. But upon a careful consideration of the evidence it does not lead me to that conclusion.

In the North Victoria case, before election court, Cameron, petitioner, *v.* McLennan, Hodgkin's Election Cases, 584, this significant language is used by the court (pp. 599–600P):

> As to the objection to the charge of treating and undue influence alleged in the third paragraph of the petition in connection with bribery, if the treating were to such an extent as to amount to bribery and the undue influence was of a character to affect the whole election, without referring to any statutory provisions, it would, by the law of Parliament, I apprehend, influence the result. The first principle of parliamentary law as applicable to elections is that they must be free, and if treating and undue influence were carried to an extent to render the election not free, then the election would be void.
>
> The following observations apply generally to votes that may be influenced by treating:
>
> To vote influenced by treating is bad before the statute, and it is bad now.
>
> It would seem necessary to say not only that the entertainment was corruptly received by the voter, but that it was corruptly given by the candidate; but as proof of the former would invalidate the vote at common law, it is unnecessary to add proof of the latter.

In the somewhat famous Long case, which is cited by Lord Coke in his Institutes, one Thomas Long gave the maior of Westbury £4 to be elected burgess. He was elected. The case was examined by the House of Commons; the maior was fined, Long removed, and Lord Coke (and this is the significant language upon which I predicate my judgment in this case), referring to it, said: "For this corrupt dealing was to poison the very fountain itself." That was 100 years before the statutes of Parliament fixed the very heavy penalties for bribery. The fountain itself when poisoned ends the election. The fountain may be poisoned even if no statutes are violated.

Under the light of these authorities, regardless of statutory enactment, the following would, in my judgment, constitute corrupt practices. I do not claim that the authorities cited are binding as precedents, because they are under acts of the British Parliament or of the Canadian Legislative Assembly; the reasoning therein is helpful in arriving at what is corruption in elections:

Excessive payment for work done at the polls.

Excessive payment for bringing men to polls.

Excessive number of men at the polls, as this quarry situation, when they were brought to the polls from the quarries in large number to work. That is the most common way of buying votes.

Excessive treating to influence voters. If a man debauched an entire county or treated an entire State and put the men in a county on a prolonged drunk to influence them while they were in that condition, there would be no statute of Wisconsin or any other State against this; but it would prevent the free and untrammeled exercise of the right of suffrage, and if it was carried to that extent it would be a corrupt practice, statute or no statute.

Excessive payment for advertising to get the support of newspapers.

Payment to State officers to secure their influence.

Payment to candidates for the legislature.

In this primary, assuming that the primary is part of an election, an instrumentality of the election, those things were the corrupt practices, regardless of the statute, and were enough under this evidence to vitiate the election.

Freedom of election is, at common law, essential to the validity of an election.

If this freedom be by any means prevented generally, the election is void at common law. An election is therefore avoided by general bribery, although not brought home to the candidate or his agents. (Rogers on Elections, Vol. II, p. 293.)

But an election will not be avoided upon this ground unless the bribery is shown to have been so extensive that there could not have been a free election.

General corruption at common law avoids an election, regardless of question of agency.

The giving of entertainment to voters without corrupt motive was probably not an offense at common law.

However, when it reaches the point of debauching an entire electorate it certainly becomes a corrupt practice.

But if entertainment for purpose of influencing the election, it comes within the scope of the common law as a species of bribery.

Unduly influencing a voter by improper means is a corrupt practice. There is abundant authority, in my judgment, to sustain these propositions.

There are a number of authorities on this question of bribery and corruption amounting to bribery that might be read with interest.

I refer to the following extracts. Cushing, in his work on the Law of Legislative Assemblies, says:

> The great principle which lies at the foundation of all elective governments and an essential, indeed, to the very idea of election is that the electors shall be free in the giving of their suffrages. The principle was declared by the English Parliament in the Declaration of Rights. The same principle is asserted or implied in the constitutions of all the States of the Union.
>
> Freedom of election is violated by external violence, by which the electors are constrained, or by bribery, by which their will is corrupted; and in all cases where the electors are prevented in either of these ways from the free exercise of their rights the election will be void, without reference to the number of votes thereby affected.

Shepard on Elections (p. 97):

> Besides the practice of purchasing individual votes, there sprang up a corruption far more extensive, in which the commanding influence in a borough was transferred, either by a sum of money paid down at once, or, with a more accurate calculation of traffic, for an annual payment during the continuance of Parliament; the sitting member thus purchasing the return of him who had previously purchased the power of returning. To repress this practice the 49 George III, chapter 118, was passed, by which it was made highly penal to enter into any pecuniary engagement for procuring the return of a member of Parliament.

Shepard, in his treatise, says:

> The bribery act makes no mention of any parliamentary disqualification affecting a member's seat; the effect, therefore, of an act of bribery not within the words of the treating act of 7 William III, chapter 4, is in that respect determined by the law of Parliament as follows: Bribery by a candidate, though in one instance only, and though a majority of the unbribed votes remain in his favor, will avoid the particular election.

Said the Court of King's Bench in Rex *v.* Pitt, Burroughs, 1338:

> Bribery at elections of members of Parliament must always have been a crime at common law and punishable by indictment and information.

Rogers, in the treatise referred to, says:

> Bribery, as we have seen, had always been a misdemeanor at common law and a violation of the privilege of Parliament; but the above statute (the bribery act) armed courts of law with new and extraordinary powers to attack the growing evil by attaching a penalty of £500 on every conviction of an offense against its provisions, and by disqualifying the offender from ever again voting at any election for members of Parliament.

Shepard, in his treatise on elections, speaking of bribery, says:

> Though it was always an offense at common law, it is thought that no prosecution for this species of bribery took place until the bribery act, for which the jealousy of the Commons in regard to their privileges sufficiently accounts. As soon, however, as the Commons began to rise in importance and a seat was considered of sufficient political value to be purchased, they were not slow to discover and attempt themselves to repress the pernicious consequences of such corruption.

In the same discussion of the Caldwell case heretofore referred to, Senator Morton said:

> The principles of the common law are applicable in all civil matters touching the validity of elections or the tenure of office, and it is a well-established principle of the common law that whatever impairs the "freedom of elections" is illegal and against public policy and will make the election void.

Further on the same Senator said:

> But the absence of a statute punishing these several practices impairing the freedom of elections in no wise affects the operation of the general principle touching the validity of elections.

Now, Mr. President, we are confronted with the evidence in the first place—I am not going to spend much time on this evidence—of the expenditure of $107,000. Of course the presumption of innocence, the presumption of honesty, follows in this election. The presumption of innocence is evidence; it is put in the scale of evidence. It is not a conclusive presumption.

Reasonable doubt is the result of proof or of failure of proof, but a presumption is evidence, and there is a presumption of innocence. What is put against that presumption? The unexplained, assuming it to be unexplained, expenditure of this great sum of money that shocks public conscience. When that evidence is introduced as against this presumption, it makes a prima facie case. I do not think the burden of proof, probably, ever shifts, but we use the term as shifting. The burden then comes of explaining this enormous expenditure. I want to just call attention briefly to a few words in the case of Sisson's petition against Ardagh, named in Hodgin's Election Cases, page 58, heretofore referred to as bearing on this question:

Next it is said that Mr. Lauder entrusted large sums to Perry, that he should have supervised the expenditure, and that his failure to do so makes him personally a party, within section 46 of the act of 1871 (34 Vic., ch. 3), to every illegal application of money by Perry or by those who received money from Perry. The sum which Mr. Lauder gave was under $700; there is no evidence before me that that sum was an excessive one for legitimate expenses, and a certain amount of discretion must be placed in a candidate's agents. If he had put $7,000 into Perry's hands the argument of a corrupt purpose might have been reasonable. The facts do not suggest to my mind any idea that Mr. Lauder intended his money to be employed illegally.

The distinguished Senator from Utah [Mr. SUTHERLAND], with that clearness of legal expression which is my constant envy, said in the record on page 283:

As I understand the rule of law, it is that a presumption arises in all cases, in criminal law or civil law, in favor of the regularity and honesty of the doings, either of individuals or of officials. That is a general presumption of law. When anybody challenges that presumption, it devolves upon that person to overcome that presumption by proof. In this particular case, the expenditure of money in the election may or may not have been honest. The presumption is that it was honest; but in putting in the proof it may appear that the amount of the expenditure was so extravagant as itself to overcome the presumption in favor of the honesty of the transaction, and shift the burden of proof to show that it was an honest expenditure; or it may be accompanied by other badges of suspicion that will overcome the general presumption and shift the burden of proof.

To the same extent he announced that rule, I think, on pages 280 and 281 of the record. A presumption is a mere probable inference which common sense draws from circumstances, usually occurring in the case or in particular surroundings.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. KENYON. I do.

Mr. CULBERSON. As the Senate will probably recall, I have been interested in this law question as to where the burden of proof lies in this case, it being admitted that one hundred and seven thousand and some odd dollars were expended in the primary election. I called the attention of the Senator from Idaho [Mr. HEYBURN], the chairman of the subcommittee, to the matter last Wednesday.

Now, with the permission of the Senator from Iowa, I will read something else I found in going over this testimony as a proposition of law by the Senator from Idaho [Mr. HEYBURN], who had charge of the examination as chairman of the subcommittee. I am trying to get at what is the rule, and I only throw out the suggestion and invite the attention of the Senator from Iowa to the matter.

The CHAIRMAN—

That is, the Senator from Idaho——

Mr. HEYBURN. From what page does the Senator from Texas read?

Mr. CULBERSON. From the bottom of page 280.

The CHAIRMAN. Did you realize that if the expenditure of money in a campaign is questioned, the burden is upon the party spending it to show that the expenditure was legitimate?

Mr. EDMONDS. I do not think I realized that. I do not know it now.

Mr. LITTLEFIELD. Do I understand the chairman to state that as a rule of law?

Now, particularly, I call the attention of the Senator from Iowa to this language of the chairman of the subcommittee [Mr. HEYBURN]——

Mr. KENYON. What is the page?

Mr. CULBERSON. I now read from page 281:

The CHAIRMAN. Not that it affects the inquiry now proceeding, but in the judgment of the final tribunal which will be called upon to pass on this testimony—that is, the Senate of the United States—I state it as my opinion of the law that expenditures made by a candidate being challenged as to their legality, the burden is upon the party making the expenditure to show that they were lawful.

Mr. KENYON. I think the Senator later stated that where it was officially challenged.

Mr. HEYBURN. Yes. I should like to have the Senator read the succeeding paragraph.

Mr. CULBERSON. That is all that I desire to read from the record, and invite the attention of the Senator from Iowa to it, with reference to this question as to where the burden is, in view of the admitted fact that this extraordinary sum was expended in the primary election.

Mr. KENYON. I had understood the record. The statement of the Senator from Idaho first applied when the expenditure was challenged, and later he qualified it by stating when the expenditure was officially challenged, as it was here by the State of Wisconsin, and that then the burden was on the party. Am I correct in that?

Mr. HEYBURN. I think, Mr. President, it would only be fair that the succeeding paragraph should go into the RECORD in connection with what has been read. The Senator from Texas [Mr. CULBERSON] read the first long paragraph on page 281.

Mr. KENYON. I will read the next paragraph, if the Senator requests me to do so, or he may read it himself.

Mr. HEYBURN. I will call attention to it, because I think it is a material part of the statement which I distinctly remember making. Mr. Littlefield asked:

Then the presumption of innocent expenditure does not follow the item.

The CHAIRMAN. The presumption of innocence does not enter into the question at all. The expenditure being challenged as to its legality, there is no presumption that money expended in connection with an individual campaign by a candidate for office is rightfully expended after it is challenged—

It is the challenge that puts in operation the rule—

After it is challenged in an official way.

It must be an official challenge as contained in these proceedings, for instance.

Prior to the challenge there is a presumption that the expenditure was proper. It being challenged officially, that presumption awaits the determination upon the facts.

I so stated that rule, and I believe my colleagues concurred in it; but it was brought out by an inquiry from Mr. Littlefield as to whether the presumption arose from the mere expenditure. I think, upon reviewing it, that I would not change or add to that statement.

Mr. KENYON. As I remember the record, although I can not place my hand on it at this time, the Senator from Utah [Mr. SUTHERLAND], in addition to what I have read as to his opinion of the law—I was referring to what I had understood him to state in the record, and if I am incorrect I shall be glad to be corrected—stated, in addition to his opinion, that this expenditure was so large and extravagant as to require explanation—I can not find it just now.

Mr. SUTHERLAND. I do not recall, if the Senator will permit me——

Mr. ROOT. I believe it is on page 281.

Mr. HEYBURN. It is found on page 281.

Mr. SUTHERLAND. The statement is here in the record. My statement reads:

Senator SUTHERLAND. Pardon me just a moment, but I should hardly want to be concluded by the statement which the chairman makes. I think the presumption which he says would arise would only arise in case the expenditures were so large, or other circumstances were sufficient, to indicate that the expenditure itself was unlawful.

I do not think that the mere fact that a man had expended money would necessarily give rise to the presumption that it had been unlawfully expended. Is that what the Senator refers to?

Mr. KENYON. No; it is not. I can not refer to it now; but my recollection is, and I am quite certain about it, that the Senator from Utah did say at some point that he considered the expenditure was so large as to require explanation.

Mr. SUTHERLAND. If the Senator will pardon me, my position about it all the way through was that this was a very large expenditure of money; that it was so large as to require to be probed, to be investigated, not that it necessarily followed that the burden was upon the man who had expended the money to account for it, but that it was so large as to require investigation and probing into the matter; and that investigation the committee faithfully carried out.

Mr. KENYON. No one questions that. The proposition that I am trying to make is that this large expenditure of money made a prima facie case. It was so unusual, so extravagant, and so shocking to the public conscience that it went in the scale with the presumption of innocence, and whether or not it overcame it must be judged, after all explanation had been made, by the body that has to pass on it, namely, the Senate. In my judgment no sufficient explanation has been made.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. CRAWFORD. I have not yet been able to read more than one of these two large volumes. Is it true—at least I got such an impression from that part of the testimony I have read—that every original entry in the form of memoranda and cards that showed the items for which money was expended was destroyed by those who kept them; and, in addition to the

presumption we might indulge from the fact that the expenditure of the money is unduly large, is it fair also to give some weight to the fact that no account was required from those who expended this money, apparently no desire was expressed to have any record kept, or, where a record was kept, all of the original memoranda and all of the original entries were in some manner destroyed? Is that true?

Mr. KENYON. I understand it to be true that the memoranda were destroyed.

Mr. CRAWFORD. Would not the fact that the records showing for what purpose the money was expended were destroyed be entitled to some weight in connection with the large amount of the expenditure?

Mr. SUTHERLAND. What Mr. Sacket said about that was this: He had a large number of card indexes that as he would spend money—25 cents, a dollar, or whatever it might be—he would put the items down upon these card indexes; that they accumulated to a very large extent; that the writing upon them gradually became obliterated; that he transferred the items to an account, and then destroyed the original items, because they were cumbersome and because to a large extent the writing upon them had been obliterated. In other words——

Mr. WILLIAMS. Not the original items, but the original cards.

Mr. SUTHERLAND. The original cards, because they had become cumbersome and because the writing had been obliterated. In other words, his position was that they were destroyed as so much useless rubbish after he had transferred the items to his account.

Mr. CRAWFORD. May I ask the Senator from Iowa if it is not a fact that in transcribing them, or transferring them, he took the entries that were on a number of cards, cut out the details by which one could tell what the expenditures were for and who received the money, and simply put an aggregate on a piece of paper, which represented in a very brief form the itemized expenditures that were stated on a large number of cards?

Mr. SUTHERLAND. He did that to some extent. I do not now recall exactly to what extent.

Mr. KENYON. I should like to call the Senator's attention to some evidence set forth in the minority report:

> Manager Sacket, in testifying as to the payment of an item of $400, stated that he was unable to remember anything about it. He then testified as follows (p. 164):
>
> The CHAIRMAN. That emphasizes the misfortune of the destruction of your memoranda, does it not? Now, you say, in the absence of that memorandum, you can not remember anything about the $400. It may have been used to purchase votes in violation of law, may it not?

Mr. SUTHERLAND. From what page does the Senator read?

Mr. KENYON. I read from page 164. So that clearly when Mr. Sacket was before the committee the misfortune of having destroyed his memoranda was called to his attention by the committee.

Mr. SUTHERLAND. Let me——

Mr. KENYON. Just a moment. On page 479 of the record the Senator will find:

> Senator SUTHERLAND. You simply kept a memorandum of these expenditures upon slips of paper, which you afterwards transferred to your cards? That was the way it was done?
>
> Mr. SACKET. I kept them on cards and slips of paper in the card-index box. I afterwards transferred it to typewriting on a sheet of paper.
>
> Senator SUTHERLAND. And then destroyed it and the sheet of paper?
>
> Mr. SACKET. Yes.
>
> Senator SUTHERLAND. And destroyed your cards?
>
> Mr. SACKET. Yes.
>
> Senator SUTHERLAND. And the original memorandum and the slips as well, if you had any slips?
>
> Mr. SACKET. Yes.
>
> Senator SUTHERLAND. When you made these entries upon the slips of paper and upon the cards, did you know the facts?
>
> Mr. SACKET. I might have known the facts, but do not know that I knew all in every case.

I wanted to call attention to a statement of the law as bearing on such a situation as that.

Mr. SUTHERLAND. If the Senator will permit me——

Mr. KENYON. Gladly.

Mr. SUTHERLAND. I was going to say that while it is true, as the Senator from South Dakota [Mr. CRAWFORD] and the Senator from Iowa [Mr. KENYON] have suggested, that the destruction of these memoranda and the failure to carry all of the items into the transfer account might prevent the witness from stating what the items were for which the money was expended, but it would not prevent his stating with accuracy what they were not spent for, and he stated that no money was expended for the bribery of voters or for any corrupt purposes.

Mr. CRAWFORD. Mr. President, I will ask the Senator from Utah if it would not have this effect, that as original testimony, to which third parties could go to ascertain the real truth, it is destroyed, and we are left simply, then, to take the statement of Mr. Sacket, who might not be a fair witness, as to what was expended, as to what it was expended for, or for what it was not expended.

Mr. SUTHERLAND. That is quite true.

Mr. CRAWFORD. If we could go to those original sources that showed the items, we would have original evidence as to what the money was expended for, but, unfortunately, so far as I have discovered, those original traces, kept at the time by those who made the report, were all destroyed immediately after the campaign closed.

Mr. SUTHERLAND. May I interrupt the Senator still further for a moment?

Mr. KENYON. Yes.

Mr. SUTHERLAND. I quite agree with what the Senator from South Dakota says about that. What Mr. Sacket did is unfortunate, and I am not undertaking to excuse it. He ought not to have done it. But let me suggest this thought for the consideration of the Senator from South Dakota: Mr. STEPHENSON was a wealthy man, was known to be wealthy, a man worth, perhaps, a good many million dollars; he was surrounded by a good many people who knew precisely what they wanted anyhow——

Mr. CRAWFORD. There is no doubt about that.

Mr. SUTHERLAND. And there was paid to them from time to time large sums of money. It is true that in many instances the witness did not account to my satisfaction for the use of the money; but I was entirely convinced—the Senator from Idaho said the other day that at least one member of the committee was convinced of that fact, and I was that member—I was entirely convinced that a very large portion of the money that went into the hands of these people never went out of their hands at all to serve the purposes of Mr. STEPHENSON; it simply clung to their pockets. I was satisfied that that was the explanation, rather than that they had expended it corruptly for Mr. STEPHENSON'S benefit.

Mr. KENYON. Was the Senator convinced of that from the appearance, conduct, or the apparent want of candor of the witnesses upon the stand? That is an advantage which we did not have.

Mr. SUTHERLAND. No; most of the witnesses who came before the committee impressed me as being pretty decent people. They had that appearance; they were apparently responsible men in the community; and yet I have in my pilgrimage through life once in a while discovered men in politics who, taking money to spend for other people, are not governed by quite the same principles as control them in purely business transactions. Some of the witnesses—I will not particularize, for that might not be fair—were not candid. Some of them gave the appearance of a lack of candor, but, as I have said, on the whole I was quite convinced from the testimony that much of the $107,000 clung to the pockets of those to whom it was paid. I have in mind one man now, without mentioning his name, who received a sum of money—three or four or five thousand dollars. He could give no account of what he did with it, save that he drew out amounts in cash. I do not think that the amounts of money which he drew out in those cash items were expended by him in the election at all. I think they went into his pockets and were used for his own purposes.

Mr. KENYON. Does the Senator judge that by the number of votes Mr. STEPHENSON received in the election?

Mr. SUTHERLAND. No; I judge it from all the circumstances, from the testimony, and everything connected with the case.

Mr. KENYON. Referring to the Sacket matter and the destruction of the memoranda, I think the strongest possible inferences and conclusions as a matter of law can be drawn against a situation of that character. It was said in the case of Hunter against Lauder, which was a contested-election case in the Province of Ontario, Canada (Hodgins Election Cases, p. 61):

> With regard to the destruction of the accounts and papers, I consider the matter a very grave one. If the case were stripped of all other circumstances but the destruction of the records of the committee and the accounts by a person holding the position of Mr. Perry in the election, I incline at present to think that it would be my duty to draw the strongest possible conclusions against the respondent, and that I should make every presumption against the legality of the acts which were concealed by such conduct. The only safe course for an honest candidate to pursue is to have all papers preserved and to be able to show how all the money was expended. For such a candidate, or any agent of his, to be content with saying he does not know how the money is spent is very unwise.

I should like to inquire of the Senator from Idaho how long he desires to keep us here. I do not want to weary the Senate, although I am perfectly willing to conclude to-night.

Mr. HEYBURN. I inquire how much more time the Senator would like to occupy? I do not want to make it unduly burdensome at all.

Mr. KENYON. Was it the Senator's purpose to move an adjournment? Does he intend to ask to lay this matter aside after I conclude?

Mr. HEYBURN. Yes; unless the Senator is through at this time.

Mr. KENYON. I am not ready to conclude at this time.

Mr. HEYBURN. No; I did not suppose the Senator was. I do not desire to fix the time——

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I do.

Mr. CRAWFORD. I will simply say to the Senator from Iowa that those of us who have not had time to examine this testimony want to get all the information we can from those who have patiently gone through it, and I should like to inquire to what extent the Senator finds this situation to prevail in the record: I find in the first volume one instance that I now call to mind particularly, that of the State game warden named Stone, who received $2,500 from Mr. STEPHENSON, and then apparently put that cash in his pocket for the purpose of keeping it. He called a meeting of some of his deputies at the State capitol. I remember particularly one deputy from La Crosse, a Mr. Kingsley, who said that they had a meeting up at the game warden's house and there was what they called a "frame-up"; that is, he had each deputy "plugged" to say, if anybody inquired of him, that he received $500 or $600, or whatever it might be, out of the $2,500, although, as a matter of fact, not one of them had received any of the money, and the game warden was keeping it all. To what extent did that kind of thing appear in the testimony? In other words, to what extent was this $107,000 stolen by middlemen like this game warden rather than being expended to corrupt the voters?

Mr. KENYON. That is the only clear instance I recall, although I do not mean to say other instances might not have occurred.

Mr. CRAWFORD. That is the only clear instance the Senator recalls. I have not read any of the second volume, but that instance is certainly quite plain.

Mr. HEYBURN. Mr. President——

Mr. KENYON. I will ask not to be interrupted. I will conclude in a few moments, if not interrupted, and I will be as brief as I can.

Mr. HEYBURN. Very well.

Mr. KENYON. Mr. President, I have discussed the legal phases of this case not as fully as I desire, but as fully as time will permit. I will refer to the evidence briefly and rapidly, for I do not want to weary the Senate and I must close to-night.

My position is that undue influence exerted and brought about in improper ways prevented this from being a free and untrammeled election; that the primary was one of the instrumentalities of the election; and that the practices were such as to destroy the freedom of the election.

The question of agency can not be in doubt. Senator STEPHENSON paid the money into the hands of his managers, his agents, and exercised no supervision over the manner in which the agents were spending the money. Notwithstanding he gave instructions to keep within the law, he did not watch the accounting, but trusted his agents and left them the power of spending the money as they pleased. Such agency is established, therefore, as makes him responsible to the fullest extent for what the agent might do and for what all those employed by the agent might do, not criminally, of course, but for the purpose of this case entirely responsible.

In his testimony Senator STEPHENSON relates how the money was given to Mr. Edmonds, and says:

> I know nothing about it only as that return was made to me. I had practically nothing to do with the canvass, and knew nothing about it only where he made that return to me.

His evidence also shows that he himself gave some money to Mr. Reynolds. I think it is a fair dispute as to his giving all the money to Mr. Reynolds, Reynolds then being either a candidate or a prospective candidate for the legislature, but the agency is clearly established and he can reap no benefit from the wrongful act of his agent.

I quote from the testimony of Mr. Edmonds on the general subject of the excessive payments for work done and permitting the money to be expended without any way of keeping track of it:

* * * * * * *

The CHAIRMAN. I find in the account here attributed to you that the newspaper advertising cost $12,696.76. What other items or class of items would bring that sum up to about $40,000?

Mr. EDMONDS. I do not recall what items are included in that, or what the other large items of expenditure in making up that total are.

* * * * * * *

The CHAIRMAN. What do you mean by "organizing," as it is used in this statement?

Mr. EDMONDS. My recollection is that he was a railroad man, though I am not certain, and that he was sent out and given $50 to see if he could not line up the railroad men for Senator STEPHENSON.

The CHAIRMAN. What do you mean by lining them up for Senator STEPHENSON?

Mr. EDMONDS. Getting them interested in his election.

The CHAIRMAN. Discussing his election with them?

Mr. EDMONDS. Yes, sir.

The CHAIRMAN. Paying any money to them for any purpose?

Mr. EDMONDS. That was up to the man's judgment as to whether that was necessary or advisable in the conduct of the campaign for Senator STEPHENSON'S election.

The CHAIRMAN. Was that money given to him to expend among the railroad men for cigars or treats of any kind if he saw fit to so expend it?

Mr. EDMONDS. So far as I know he might have expended it in that way.

* * * * * * *

Mr. LITTLEFIELD. Yes. We have no objection to that, not the slightest.

The CHAIRMAN. Upon what date did you have the conversation with Mr. Puelicher in regard to the propriety of paying this $250 to Mr. Bancroft?

Mr. EDMONDS. I do not recall just when. I should say some time during the next week after I got back—as soon as we could get together. I presume it came up the first conversation.

The CHAIRMAN. Was any effort made to recall the money that had been paid to this candidate?

Mr. EDMONDS. Not by me.

The CHAIRMAN. Was there by anybody?

Mr. EDMONDS. Not that I know of.

* * * * * * *

The CHAIRMAN. Living at Vilas?

Mr. EDMONDS. I think he is living still in Vilas County; yes, sir.

The CHAIRMAN. For what did you pay Mr. Riordan $1,300? Was it for personal services or as a fund to be expended in behalf of Senator STEPHENSON?

Mr. EDMONDS. As a fund to be used by him in his judgment in the interest of Senator STEPHENSON.

The CHAIRMAN. Did he use it?

Mr. EDMONDS. I fully believe he did.

The CHAIRMAN. Did he render you any account?

Mr. EDMONDS. No, sir.

* * * * * * *

Mr. EDMONDS. Yes, sir; I have no definite knowledge of the use that was made of the money.

The CHAIRMAN. If it should transpire that a wrongful use was made of the money, then I understand that that knowledge has never come to you?

Mr. EDMONDS. It never has come to me; no, sir; not in any instance.

The CHAIRMAN. And that you have made no effort to ascertain whether or not the expenditures of this money were wrongful?

Mr. EDMONDS. No, sir.

The CHAIRMAN. In any case?

Mr. EDMONDS. I have not.

* * * * * * *

Senator SUTHERLAND. And the law requires that in that case Mr. STEPHENSON shall state in his report upon information and belief. How can he state upon information and belief unless the information be preserved for him?

Mr. EDMONDS. Only in this way, Senator: By getting from me the information that I had; but there was no possibility of my getting information from Mr. Riordan or others; he could get that from them as well as I could. I did not have to make the report.

Senator SUTHERLAND. Now, Mr. Edmonds, do you not see that under that construction or view of the matter you might have turned over the whole $107,000 to Mr. Riordan and said, "Go out and spend this in Mr. STEPHENSON'S interest in the State," and there would have been no way in the world for Mr. STEPHENSON to have known, unless accounts were preserved, how that $107,000 was expended?

Mr. EDMONDS. It never occurred to me that that would be possible or probable.

Senator SUTHERLAND. Do you not see that that could have been done in your view of it?

Mr. EDMONDS. I can understand that; yes, sir.

Senator SUTHERLAND. And it did happen with reference to amounts as large, I think, as $3,500 in one instance?

Mr. EDMONDS. I believe so—$3,200.

Senator SUTHERLAND. You gave to an agent—and I take Mr. Riordan as an example again—the sum of $2,300?

Mr. EDMONDS. Yes, sir.

Senator SUTHERLAND. Which greatly exceeds $5?

Mr. EDMONDS Yes, sir.

Senator SUTHERLAND. And you put that $2,300 in his hands, simply telling him to spend it, to use it, in the interest of Mr. STEPHENSON'S candidacy?

Mr. EDMONDS. Yes, sir.

Senator SUTHERLAND. Without any sort of requirement that he should keep an account of how he spent it, to whom he paid it, or to preserve a record of any of the circumstances which the statute requires; that is true, is it not?

Mr. EDMONDS. I believe I assumed that these men understood the law as well as I, and that in the records in the office, as they were kept by the office manager, the items that we expended from the office, could be explained in detail.

Mr. KENYON. The testimony shows that Mr. Shauers, a candidate for the legislature, was paid money by Edmonds. Mr. Brady was paid $500, but he kept no list and no account of the men employed by him or the money spent or the money paid for speeches which were never made—which would not be a corrupt act, of course, and which, perhaps, was commendable. The following is interesting:

The CHAIRMAN. He was further asked:

"Q. What was that paid for?—A. That was for work in Platteville.

"Q. Anyone else?—A. These, I think, are the large amounts; the others ranged from $2 to $5 and were distributed over the county. Left a trail wherever I went."

Did he ever report to you that he was spending money in that way?

Mr. SACKET. Never.

Mr. LITTLEFIELD. Leaving a trail.

The CHAIRMAN. You have said you thought that this man rendered an account with you and you left it with the committee?
Mr. SACKET. He rendered an account of the $28.92.

There was plenty of advertising in newspapers, for instance:

The CHAIRMAN. You did not finish as to the "Minneapolis Tidende, $563.79." Where is that paper published?
Mr. SACKET. In Minneapolis, Minn.
The CHAIRMAN. You paid $563.79 for advertising in that paper?
Mr. SACKET. Yes, sir.
The CHAIRMAN. What was your purpose in advertising in a Minneapolis paper?
Mr. SACKET. I was informed that that paper had a very large circulation through the northern and western part of Wisconsin; and we supposed that we should reach the voters through that paper better than through a small local paper in Wisconsin.

* * * * * * *

Mr. SACKET. The letter "R" simply indicates that there was a receipt, an itemized and receipted bill, filed for that item. The two other items on August 1 indicate that there was a cashier's check, with Mr. Usher's indorsement upon it, produced before the committee, but whether there was an itemized bill or not I could not say positively. My recollection is that there was.
The CHAIRMAN. I want you to be a little more specific in regard to the item on August 1—"H. Rasmussen, cash, $333.33." What was that for?
Mr. SACKET. Advertising.
The CHAIRMAN. That is not for preparing an article, but for the publishing of it, is it?
Mr. SACKET. I do not think we paid anyone except Mr. Usher for preparing articles, and he was paid a regular salary.
The CHAIRMAN. On August 8 you paid the same Mr. Rasmussen, or the Rasmussen Publishing Co., $333.33, and on August 18 you again paid $333.34, making $1,000?
Mr. SACKET. Yes, sir.
The CHAIRMAN. You paid $1,000 to the Rasmussen Publishing Co. in cash?
Mr. SACKET. Yes, sir.

Money was paid for advertisements; money was given to a Hebrew manager, to a Greek manager, and for advertisements in an Italian newspaper. This, mark you, was not an election for county sheriff, but an election of a man to the Senate of the United States, the most dignified body on earth.

This from Edmonds is likewise interesting:

Senator SUTHERLAND. Then you would, in the beginning of the employment, simply make an estimate of what the work would cost in that particular county?
Mr. EDMONDS. Yes.
Senator SUTHERLAND. And that amount of money was paid to the organizer in the first instance?
Mr. EDMONDS. Yes.
Senator SUTHERLAND. And he was not required thereafter to make any accounting as to the way in which he had expended the money or to furnish you with an itemized statement?
Mr. EDMONDS. No, sir.

The testimony shows that money was paid to Mr. Gust for the purpose of enthusing the voters—and this in an election for United States Senator!

The CHAIRMAN—

This language is significant—

The CHAIRMAN. There seems to have been a general apathy. These men whom you employed to get out the vote for Senator STEPHENSON seem to have managed to get out 56,839 votes out of 470,480 votes in the State. Had you not employed these men, would Senator STEPHENSON have gotten any votes at all?
Mr. EDMONDS. Not very many.

The following from Perrin's testimony is interesting:

Mr. PERRIN. This statute has never received in practical operation, by anybody that I know of in the State of Wisconsin, the construction which has been suggested here. It is the common, ordinary thing throughout northern Wisconsin to take a man to the theater or take him to lunch, not necessarily to corrupt his mind, but to enlighten him. You do these things to get a man's mind in a receptive mood. You can not go after him, Senator, you know, with an ax and beat an idea into him. It has got to be worked out along practical lines. It seems foolish for me to sit here and talk to you gentlemen about this thing, because you know so much more about it than I do.

Practical lines in this matter were money lines:

Senator POMERENE. Not one of them?
Mr. PERRIN. Not one of them.
Senator POMERENE. I think I gave Senator HEYBURN a wrong sum total of certain expenditures here. In going over in detail this account, which you filed with the committee, you gave the following sums as having been paid to Fridley: $300, $50, $50, and $50; to R. J. Shields, $5, $75, and $250; to Savage, $25, $50, $25, and $25; to Lamere and Hamilton, $6.25; to J. W. Wilson, $100 and $10; to D. M. Maxcy, $25 and $25; to T. W. McManus, $45; to the Duluth News-Tribune, $40; to Nelson, $27; to the Bayfield Press, $25; and for telegraph, telephone, etc., $45, making a total, if my footings are correct, of $1,503.25. Do you mean to tell us that out of the sum of $5,000 furnished you, that is all that you can account for so far as the names of the payees are concerned?
Mr. PERRIN. Yes, except this: I stated on my examination that I had given Mr. Fridley more money, as I remembered, than appears there; and I think I gave Mr. Wilson more money, but I am not sure about that.
The CHAIRMAN. Then do you know how he expended this money, all or part of it, in specific terms?
Mr. PERRIN. Not in specific terms.
The CHAIRMAN. Who is C. R. Fridley?
Mr. PERRIN. He is an attorney at Superior.
The CHAIRMAN. Is he an old resident?
Mr. PERRIN. Yes.
The CHAIRMAN. Is he an old man or a young man?
Mr. PERRIN. He is a man of 42 or 43 years of age.
The CHAIRMAN. Did he support Senator STEPHENSON for nomination at the primaries and before the primaries?
Mr. PERRIN. Yes.
The CHAIRMAN. Was he in public life in any capacity?
Mr. PERRIN. No.
The CHAIRMAN. He was what you call a political worker, was he?
Mr. PERRIN. No. He was a practicing lawyer.
The CHAIRMAN. He was actively engaged in the practice of law?
Mr. PERRIN. Yes, sir.
The CHAIRMAN. You never asked him for any accounting as to the expense he had incurred?
Mr. PERRIN. I did not.

Mr. NELSON. May I ask the Senator a brief question?
Mr. KENYON. Make it brief, if you please.
Mr. NELSON. Very brief. Would it be corruption for an orator of a socialistic temper to enthuse voters by his speeches?
Mr. KENYON. The Senator is assuming, of course, that they would be enthused. [Laughter.]

There is testimony in regard to "organization." All through this record is evidence that money was paid for this intangible thing that is called "organization." It is elusive; no one understands what it means. Men rush into STEPHENSON'S office and tell him they are for him, then they go out and organize, and money is furnished to help; the evidence shows that many of them were organized pretty thoroughly before they got through.

Then there is the testimony of Mr. Riordan, who got $2,300. The evidence fails to show how large a part of it was expended.

Mr. Sacket's testimony has been discussed pretty thoroughly by the Senator from Kansas [Mr. BRISTOW], and I am not going to spend any time as to him. Mr. Perrin has been also discussed, but there is one phase of his testimony to which attention has not been called that I am inclined to think the Senate ought to consider. The Senator from Ohio [Mr. POMERENE] asked him this question:

Do you think this law was intended to be evaded?
Mr. PERRIN. Certainly not.
Senator POMERENE. You have said in answer to Senator SUTHERLAND—I want to quote you correctly, and if I do not you will correct me—that you probably paid money to 100 different persons, though you were not definite as to your statement.
Mr. PERRIN. No; I can not be.
Senator POMERENE. I understand that. You also said to him again in your examination that you knew personally very many of the men that you employed.
Mr. PERRIN. Yes.
Senator POMERENE. Do you mean to tell the committee that you do not now remember any of the men to whom you paid this money, outside of the few names that you gave to Senator HEYBURN?
Mr. PERRIN. That is just exactly what I mean to say.

This man did not account for $2,000 of the money given him. He gave money to a hundred different persons, and could not tell over five of them, the amounts, or their names.

Mr. Bancroft gives some very illuminating testimony, to which reference has been made. I refer to only this part of it.

I ought to say that what I am reading now is in the report which I understood the subcommittee had before it of the legislative investigation—

The CHAIRMAN (reading)—

It does not say what the chairman was reading, but I assume he was reading from that report—

"The result of our conference was that I, being pretty well acquainted with the county and knowing who the political workers were in the county, consented to disburse this amount of money for Mr. STEPHENSON."

Is that correct?
Mr. BANCROFT. That is correct.

Gordon was an evasive witness. Under the sharp cross-examination of the Senator from Utah he could not remember whether he had paid a dollar or a thousand dollars until he was pinned down to where he could evade no longer the skilled examiner. His language does not exhibit the candor one would expect from a man in his position.

Mehaffy was given a hundred dollars, and never asked what he expended it for. Then there is Mr. Wayland. The Senator from Kansas has referred to this lively gentleman who employed the seven pretty girls and exercised a wise political discrimination. It is amazing no more votes were secured in that particular precinct. He also pinned the buttons on the babies and put an extra piece of pie and a cigar at the table. There was not very much harm in that. He is the same gentleman who took with him a man who bankrupted breweries by increasing their production. But there is not anything very bad about Wayland. He put in his account $17.15 for headaches, and certainly that was as specific as anybody ought to want. And this, mark you, was an election for United States Senator; from reading the evidence no one would imagine it, hence it is essential to keep that fact before us.

Riordan failed to account for the money he received. O'Connor was the gentleman who spent $307 in one afternoon for drinks and $1.86 for something to eat. He left a trail behind him, too. Wellensgard I have referred to. Mr. French kept no account. Mr. French received about $1,800 in money and left it with people whom he did not know. For instance, at the ice

houses, to bring men to the polls. Any corrupt influence in that? Any undue influence exerted upon a voter? Anything to show a well-conceived plan to carry this election by the use of money? Here is Thayer with $600 unaccounted for. Another one spending money in saloons. Pollock, a newspaper man, who understood the proposition brought to him was a proposition of bribery. That was his opinion. He gives the facts and circumstances as to how they tried to get him. Dee, the editor of the Chippewa Herald, has been discussed fully, the money given to him was a bribe—nothing else.

The testimony of Mr. Stone has been referred to by the Senator from South Dakota. There is nothing in the record to show how much of the money Stone had went for corrupt purposes. Stone, as a State official, gathered into his room the game wardens, and he had $2,500 of the dirty money in his pocket and he asked the game wardens to assume that they had had some of this money in the investigation then pending in the Wisconsin Legislature. They agreed to do it if they did not have to go on the stand and perjure themselves. Stone accounts for some of this money. A fine State officer was Stone. It is not true that in the record there is absolutely no accounting for it, because he attempted to make an accounting, but it is a very lame one.

Rosenheim handing out——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. KENYON. I do for a question.

Mr. POMERENE. The Senator from Iowa has just referred to the Stone episode and to the conference which took place between him and his deputies. This was at a time when the legislative investigation was going on. It was after the primary election and after the election by the general assembly. How does the Senator hold Senator STEPHENSON responsible for the shortcomings of Mr. Stone and his deputies when they were attempting to frame up some explanation of their acts in disposing of this money? Is there anything in the record which tends to connect Senator STEPHENSON with their acts?

Mr. KENYON. Are you through with the question?

Mr. POMERENE. Yes.

Mr. KENYON. I do not hold him responsible for it. I am merely referring to it as showing the plan and scheme of the men who were carrying this matter on and the iniquity of the whole miserable business. He was an agent of STEPHENSON. He received the money directly from STEPHENSON, as the record shows. What he did with it never will be known.

Mr. POMERENE. So far as concerns the Senator's comments upon the conduct of those men, I am in entire accord with him.

Mr. KENYON. I am glad to hear it.

The testimony and transaction surrounding witness Pestalozzi has been gone over by the Senator from Kansas. I will not take further time thereon. There was apparently an attempt to buy his influence.

Mr. KERN. I will ask if the testimony just referred to does not throw some light upon the character of the men to whom these large sums of money were intrusted by Senator STEPHENSON?

Mr. KENYON. There is no question about it—a flood of light. I am not going to spend any more time on this evidence. I could talk a good while about it, but the hour is late, and I must stop. This evidence shows, in my judgment, upon careful analysis, a general scheme and plan of corruption, a securing of a primary election by money, and nothing else. There was no great issue that tried men's souls or that aroused any patriotic enthusiasm. It was just a question of the longest purse. It shows one man giving money to a hundred different persons and no accounting except by five of them. It shows this man accounting for only $1,500 out of $5,000. It shows another failing to account for $1,500 out of $3,200. It shows money given to candidates either for the legislature or prospective candidates, three of whom were elected and three of whom were defeated. It shows money left with men whom the agent did not know. It shows over $300 spent in one afternoon for drinks. It shows excessive treating, excessive employment of men, excessive number of men at the polls. It shows a payment of $2,500 to the game warden of the State, a State officer. It shows money paid to newspapers, fairly presumed to be for their influence. It shows at least one attempt to bribe a newspaper. It shows an election that can not under the law be considered a free and untrammeled election. It was carried by the reckless and wrongful use of money.

Mr. President, I want to refer in closing to the report and to quote a few words from the great debate in the Senate in the Payne case. It was charged there that the views of the minority contained a startling proposition, never before announced in the Senate, and one which had never received a moment's consideration, where the minority said:

> As the Senate is the only court that can properly try this question, so the charge is made, if not in the only way it can be made yet certainly in the way beyond all others in which it can be made with most authority. * * * For the Senate to refuse to listen to this complaint so made would, it seems to us, be, and be everywhere taken to be, a declaration that it is indifferent to the question whether its seats are to be in the future the subject of bargain and sale, or may be presented by a few millionaires as a compliment to a friend.

Senator Frye, that great Senator from Maine who presided over this body so many years and whose life and services we are to commemorate in a few days, said in debate:

> I know, and so do they (referring to the people), that a man of great wealth who loves money easily grows into the idea that money is God—omnipotent, omniscient—can do whatever it pleases, and go whithersoever it may. I know that he proceeds upon the hypothesis that it can purchase anything he seeks or anything his heart may want. I know that he names his price for every man and declares that he can find a price that will fit.

And further:

> Sir, if popular government is still an experiment and shall become a failure, the failure will be the legitimate result of unfaithful citizenship. If this Republic shall be wrecked upon the shoals, the rock upon which it breaks shall be named corruption of the ballot. The ballot box is the fountain head of government of the people. Whosoever defiles that destroys the whole.
>
> The Senate can engage in no holier or more responsible duty than to devote itself to a work, however painful and disagreeable, that may result in a warning—a terrible warning—which shall sound from the East to the West, from the North to the South, declaring, with no uncertain voice, that corruption by money power of the citizen at the polls or of a legislature shall cease now.

That was a great conservative Republican Senator. I have no malice in this matter, nothing but sorrow for this situation. I wish this record did not make it incumbent on me as a member of the minority, following my conscience and duty as I see it, as the gentlemen of the majority have followed their consciences and duty as they see it, to vote differently on this proposition.

I believe this election is, as Lord Coke said in the Long case, "tainted at its fountain." The methods employed would not have dignified a candidacy for county sheriff. The election was the result of an organized riot of corruption, a debauchery of the electorate by treating, employment, purchases of newspaper influence, and other despicable methods, creating by money political enthusiasm and securing political support. Such practices should cease and cease now. Otherwise the canker of corruption will eat close to the heart of the Republic. The only real danger that can ever threaten this Nation in the future is corruption in the body politic. It is the child of avarice and special privilege. It can exist only when the electorate is indifferent. They may be slow to be aroused, but when once aroused the American people will drive the money changers from the temple and smite the arrogant demon of corruption wherever its vile head may appear.

The seats in this body do not belong to the highest bidder; the property, the lives, the sacred honor of 90,000,000 people rest in the keeping of this body. If its seats are to be bought and sold as merchandise, then, indeed, the decadence of the Republic is nigh.

Why mince words? Every man in this body knows that the election of Senator STEPHENSON was brought about by the reckless, extravagant, and wrongful use of money. You may gloss it over, smile about it, condone it, but the fact still exists—the seat was purchased.

If men can be sent here by money, others can be defeated by money, and there are men in this Chamber who know what it means to have the purses of great interests opened to defeat them. We are marching on; no one need be discouraged; the people, not money, are going to rule in this country. We are advancing.

In the Payne case Senator Frye, the conservative, brainy, and honest Senator from Maine, pleaded with the Senate to investigate the charges that the Standard Oil Co. had, through its agents and officers, put its hands upon a legislative body and undertaken to control and elect a Member of the United States Senate. He could not even secure a hearing. He there said:

> It is the solemn duty of the United States Senate to see to it that Oliver H. Payne and Messrs. McLean and Thompson and Huntington and Page and every other agent, if there are others, of the Standard Oil Co., shall come before a committee of the United States Senate and, under oath, state whether or not they purchased a seat of a United States Senator.

Judge Thurman, with relation to the Payne case, said at that time in an interview:

> The Democratic clock is put back four years, and corruption is given a new leasehold in our land; syndicates purchase the people's votes, and honest men stand aghast.

We at least have had an investigation, a thorough one, and as the lid has been lifted men have been sickened by the foul odors that came from the cauldron of corruption. There is no

divinity that surrounds a seat in this body acquired by such methods, no reason to talk in whispers concerning it, but boldly to brand it, as it is, a purchased seat.

Above any other question is the great one of public policy. A man who turns loose this enormous sum of money to secure a seat here is not, as a matter of public policy, entitled to remain a Member of this body; even were the election legal he should be expelled.

The minority offer no apology for their action. It has been an unpleasant duty, but we have the consciousness at least of not voting to approve methods and practices in an election condemned by the majority as expenditures "in violation of the fundamental principles underlying our system of Government."

During the delivery of Mr. KENYON's speech,

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Will the Senator from Iowa suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3812) to regulate public utilities in the District of Columbia and to confer upon the Commissioners of the District of Columbia the duties and powers of a public-utilities commission.

Mr. GALLINGER. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SMITH of Georgia. Can the Senator from New Hampshire indicate how long he will be disposed to continue to lay it aside, because I am quite interested in the amendment we agreed to the other day consenting to what is called the half-and-half business for the District of Columbia. I want to be sure to be here when it comes up.

Mr. GALLINGER. I will assure the Senator from Georgia that the bill will not be finally acted upon in his absence. I could not give any further assurance. After the Senator from Georgia has been here awhile longer he will find that not only must the unfinished business give way to a privileged question, but it must give way to any Senator who desires to make a speech on any subject.

Mr. SMITH of Georgia. I realize that there is a great deal for me to learn after I have been here awhile longer. It was just that I might keep up with the practice that I asked the question.

The PRESIDING OFFICER. Is there objection to laying aside the unfinished business temporarily? The Chair hears none. The Senator from Iowa will proceed.

At the conclusion of Mr. KENYON's speech,

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 5, 1912, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 4, 1912.

COLLECTOR OF CUSTOMS.

Fred W. Wight to be collector of customs for the district of Waldoborough, Me.

REGISTER OF THE LAND OFFICE.

Cornelius N. Van Hosen to be register of the land office at Springfield, Mo.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Hugh H. Broadhurst to be first lieutenant.

INFANTRY ARM.

First Lieut. Harry D. Mitchell to be captain.
First Lieut. Ode C. Nichols to be captain.
Second Lieut. Irving J. Palmer to be first lieutenant.
Second Lieut. Melvin G. Faris to be first lieutenant.
Second Lieut. Alexander W. Maish to be first lieutenant.
Second Lieut. William J. McCaughey to be first lieutenant.
Second Lieut. Eugene R. Householder to be first lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Francis P. Hardaway to be first lieutenant.

CHAPLAIN.

Chaplain Ernest P. Newsom to be chaplain with the rank of major.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Arturo Carbonell.
William Henry Clewell.
George Patrick Gill.
Paul Gronnerud.
Joseph Arda Hall.
Samuel Archer Rulon, jr.
James Edwin Thompson.
Raymond Cooley Bull.
Gordon Fay Willey.

FIELD ARTILLERY ARM.

Jonathan Waverly Anderson, midshipman, United States Navy, to be second lieutenant.

POSTMASTERS.

PENNSYLVANIA.

John W. Beers, Marysville.
Everett C. Davis, Nanty Glo.

TENNESSEE.

Bird P. Allison, Monterey.
James S. Byrd, Jonesboro.
Clarence V. Gwin, Hartsville.
Edgar E. Hathaway, Elizabethton.
Rufus T. Hickman, Lynnville.
Lorenzo H. Lasater, Athens.
Atlas M. Lee, Huntingdon.
Christopher C. Stribling, Clifton.
William T. H. Thorn, Rutherford.
James P. Whited, Eastlake.

WASHINGTON.

James Lane, Roslyn.
Frank L. Turner, Raymond.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 4, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us plenteously with heavenly gifts that our minds may be clarified and our hearts made pure that these Thy servants may see clearly, act wisely, and, with statesmanlike fervor, solve the problems which confront them with an eye single to Thy glory and uplift of our people that good government may more and more obtain. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, March 2, 1912, was read and approved.

INVITATION OF THE CITY OF NEW ORLEANS.

Mr. DUPRE. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. DUPRE. Mr. Speaker, the National Drainage Congress will meet in the city of New Orleans on the 10th day of April, and will cover in its discussions matters of drainage, transportation, reclamation, and similar matters, in which all of us are interested. The local authorities have asked me to extend in this informal manner an invitation to the Speaker of the House and to the Members of this body, or as many of them as possibly can attend, to be present on that occasion. In behalf of the people of New Orleans, I hope the Speaker and the Members of the House will be able to take advantage of this opportunity to come to the Crescent City. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5075. An act for the establishment of a new land district in the State of Montana.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2453) for the relief of Benjamin F. Martz, and for other purposes.

The message also announced that the Senate had receded from its amendment No. 3 to the bill (H. R. 13570) to amend

an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5075. An act for the establishment of a new land district in the State of Montana; to the Committee on the Public Lands.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee, by the direction of the Committee on the Post Office and Post Roads, reported the bill (H. R. 21279) making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes (H. Rept. 388), which was read a first and second time and referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MANN and Mr. FINLEY reserved all points of order on the bill.

AMERICAN NATIONAL RED CROSS.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 16306) to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war.

The Clerk read the bill, as follows:

Whereas the American National Red Cross was incorporated by act of Congress approved January 5, 1905, "To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of * * * the treaty of Geneva of August 22, 1864": Therefore

Be it enacted, etc., That whenever in time of war, or when war is imminent, the President may deem the cooperation and use of the American National Red Cross with the sanitary services of the land and naval forces to be necessary, he is authorized to accept the assistance tendered by the said Red Cross and to employ the same under the sanitary services of the Army and Navy in conformity with such rules and regulations as he may prescribe.

SEC. 2. That when the Red Cross cooperation and assistance with the land and naval forces in time of war or threatened hostilities shall have been accepted by the President, the personnel entering upon the duty specified in section 1 of this act shall, while proceeding to their place of duty, while serving thereat, and while returning therefrom, be transported and subsisted at the cost and charge of the United States as civilian employees employed with the said forces, and the Red Cross supplies that may be tendered as a gift and accepted for use in the sanitary service shall be transported at the cost and charge of the United States.

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, reserving the right to object, I would like to ask an explanation of this bill.

[At this point Mr. MCDERMOTT assumed the chair as Speaker pro tempore.]

Mr. STEDMAN. Mr. Speaker, I hope there will be no objection to the consideration of this bill. The object of it is to authorize the President of the United States to accept the services of the American Red Cross Society in time of war or when war is imminent. The bill further provides that all the expense of the personnel of the Red Cross Society, their transportation to the field of service, their service thereat, and their return therefrom shall be borne by the Government of the United States, and that the transportation of any supplies furnished by the society without expense to the Government shall also be carried free of charge. It might not be amiss, Mr. Speaker, in just a very few words, to state the origin of the American Red Cross Society.

These Red Cross Societies owed their origin first to the convention in Geneva, Switzerland, in 1863, which recommended that a committee in every country should be appointed to aid the hospital service of its armies in times of war. The conventions in 1864 and 1906 in Geneva gave a more definite status to these societies and enlarged their operations, extending them to all great calamities wherever they might occur throughout the world.

Carrying out the idea originating at Geneva, the Congress of the United States on the 15th of January, 1905, incorporated the American National Red Cross Society. It did not confine its operations to times of war, but extended them to all great calamities, such as pestilence and famines, wherever they might occur throughout the world. Since 1905 this society has expended $6,000,000 in aiding and assisting those suffering from great calamities, as, for example, at San Francisco in the year 1906, during the great disaster caused by the earthquake and fire; at Cherry, Ill., in 1909; in Palos, Ala., in 1910; during the prevalence of the forest fires in the State of Minnesota in 1910; and during the volcanic eruptions of Mount Taal in the Philippine Islands.

Mr. CONNELL. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONNELL. The House is not in order.

The SPEAKER pro tempore. The point is well taken. The House will be in order.

Mr. STEDMAN. The agents of this society have been found aiding and succoring the afflicted and distressed everywhere throughout this country in time of calamity. Nor, Mr. Speaker, has its operations been confined to this continent. Wherever throughout the world calamities have befallen any people, you will find the agents of this society. During the plague in Manchuria in 1911, and during the famine in the valley of Yellow River in China in 1911, a famine which attracted the attention and the sympathy of the whole world, the agents of this society could be found.

I said that primarily the object of this society was to help, aid, and assist the hospital service in time of war, and so it is, Mr. Chairman, upon every field of battle where the armies of this Republic have stood. It matters not from what section they have come—from the North, the East, the South, or the West—they have illustrated the highest type of manhood. I trust it may not be so, but war may come to us again, and then we shall have to send the young men of this country to the battle field. Is it too much for them to expect or too much for humanity to demand that we shall do all that is within our power to alleviate the sufferings incident to the battle field?

This is an age conspicuous for selfishness and greed of gain. Notwithstanding the characteristics of the age, the American National Red Cross Society can be seen everywhere with its banner of humanity, charity, and kindness—wherever can be found distress and suffering. I think, Mr. Chairman, that every Member of this House ought to be glad to vote for this bill, and I trust they so will do. [Applause.]

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, I have no doubt at all about the efficacy of the Red Cross in a great many cases, but the Army of the United States is very well equipped with a very large and extravagant Medical Corps and Hospital Corps, and I do not see the need, nor from what I have been able to catch from the statement of the gentleman from North Carolina, have I been able to discover any reason why we should at this time pass a law which provides for the immediate incorporation into the Army of the United States of the National Red Cross, at a very great expense, when the Army already has its own Medical Corps and its own Hospital Corps, fit to contend with any conditions that may arise. If any emergency should arise in time of war we could very well, if it were necessary, ask the aid of this Red Cross Society.

Mr. STEDMAN. Mr. Speaker, will my friend allow me to interrupt him?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from North Carolina?

Mr. HAY. Certainly.

Mr. STEDMAN. The bill provides only what the gentleman suggests. It provides that only in case of emergencies shall the society extend its aid; only in cases of emergency when it is necessary; and until that emergency arises there is no expense whatsoever.

Mr. HAY. Yes; but my idea is that these emergencies are always thought to be present when parties desire to be in the service of the United States.

Mr. KENDALL. Mr. Speaker, will the gentleman allow me this suggestion?

Mr. STEDMAN. Certainly.

Mr. KENDALL. The fact whether or not there is an emergency is always a matter to be determined in the discretion of the President?

Mr. STEDMAN. Yes; whenever he deems it necessary.

Mr. KENDALL. Whenever he deems it necessary for the Government to avail itself of this corps.

Mr. STEDMAN. And nothing is done until he does.

Mr. KENDALL. There is no expense at all unless the President deems it necessary.

Mr. HAY. But it may be possible that the Congress might want to decide whether it was necessary to take into the service of the United States a very large and expensive corps of this kind when there is already, as I have said before, a Medical Corps and a Hospital Corps which can be increased and made more efficient in time of war.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. MANN. Is it not true that in time of war the Hospital Corps must in some way be rapidly increased?

Mr. HAY. Yes.

Mr. MANN. And that if the Army were able to make use at once of an organized Hospital Corps through the Red Cross, it will be that much better off than it would to wait and recruit it from civil life.

Mr. HAY. But in this bill you are not placing this Red Cross Society under the control of the Army, and that is very important.

Mr. STEDMAN. If I may interrupt the gentleman, I wish to say he is mistaken.

Mr. MANN. It says the President shall determine.

Mr. STEDMAN. The gentleman is mistaken about that. It is in conjunction with the sanitary service of the Army and Navy and in conformity with the rules laid down.

Mr. MANN. In conformity with such rules and regulations as the President may prescribe.

Mr. SLAYDEN. Will the gentleman from Virginia yield for an interruption?

Mr. HAY. Certainly.

Mr. SLAYDEN. How did this bill get to the Foreign Affairs Committee?

Mr. HAY. I do not know how it got there. It does not belong there, and I will state that the Senate bill was passed and referred to the Military Affairs Committee.

Mr. SLAYDEN. The same bill?

Mr. HAY. The same bill.

Mr. KENDALL. If the gentleman will allow me this suggestion I hope there will not be any objection made to this bill simply on a controversy as to jurisdiction. I assume the gentleman is correct in the suggestion that the bill ought to have gone to the Committee on Military Affairs; but an identical bill, I think, has passed the Senate, as I understand it, unanimously, and is now in possession of the Committee on Military Affairs.

Mr. HAY. That is true.

Mr. KENDALL. The Committee on Foreign Affairs had no knowledge whatever of that reference. It reported this bill, which is now here for unanimous consent.

Mr. SLAYDEN. Did not the Committee on Foreign Affairs know that the bill did not really belong to it?

Mr. KENDALL. The Committee on Foreign Affairs know a great many things.

Mr. SLAYDEN. The gentleman does not answer my question. [Laughter.]

Mr. SULZER. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from New York?

Mr. HAY. I do.

Mr. SULZER. Mr. Speaker, just a few words. This bill relating to the Red Cross was introduced by the gentleman from Kansas [Mr. ANTHONY] and referred to the Committee on Foreign Affairs.

Mr. KENDALL. He is a member of the Committee on Military Affairs.

Mr. SULZER. Yes; the gentleman from Kansas [Mr. ANTHONY] is a member of the Committee on Military Affairs, and he and the gentleman from Virginia [Mr. FLOOD], who is a member of the Committee on Foreign Affairs, took the matter up and agreed that the Committee on Foreign Affairs should have jurisdiction of this bill. The Committee on Foreign Affairs granted a hearing, and afterwards unanimously reported the bill. It is a good bill and in the interest of the Government. All that it does is to give the Government of the United States the right to utilize the services of the nurses of the Red Cross in time of exigency as well as in war. It has the right to do so now in war. This gives the Government the right to do so in time of peace if the case be urgent. If the Government does call on the Red Cross for nurses in cases of exigency, then the Government will, of course, pay the transportation of the nurses and for their subsistence while in the service. That is substantially all this bill does. I have here a letter about the bill from the Red Cross, which I desire to read:

AMERICAN RED CROSS, NATIONAL HEADQUARTERS,
ROOM 341, STATE, WAR, AND NAVY BUILDING,
Washington, D. C., February 23, 1912.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR MR. SULZER: The bill "To provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war" was thought advisable by the war relief board of the Red Cross, of which Surg. Gen. Torney is chairman and Surg. Gen. Stokes vice chairman, because of the fact that in time of war or if war were threatened the assistance of the Red Cross might be immediately desired. If at such time any of its personnel was simply taken into the actual service this personnel would become part of the regular Medical Corps and the Government would naturally meet all expenses. On the other hand, it is highly probable that the Government would desire at base hospitals, on hospital ships, on ambulance trains, etc., to avail itself of the extra trained personnel which the Red Cross could provide.

In such cases the society would meet the salaries of this personnel, but as it would be placed under the control of the Surgeon Generals' offices of the War and Navy Departments, these departments and not the Red Cross would transfer and assign to duty this personnel while utilizing its services. At such times the arrangements for transportation and for subsistence are entirely in the hands of the Government. For this reason it was considered advisable and desirable for the Government to assume the cost and charge of the transportation and subsistence of this personnel while utilizing its services as well as the cost and charge of the transportation of such Red Cross supplies as may be accepted for use in the sanitary service.

The bill does not provide for any expenditure by the Government for Red Cross assistance save in time of actual or threatened war, and only then when the services of the Red Cross are accepted by the President for active duty.

Gen. George W. Davis, chairman of the Red Cross central committee, has provided further information in regard to this matter to Hon. CHARLES M. STEDMAN, chairman of the subcommittee which had the bill under consideration.

Yours, sincerely, MABEL T. BOARDMAN.

Mr. HAY. I know all about that. It is not necessary to discuss that.

Mr. SULZER. That is all this bill does. It is a meritorious measure and should be passed.

Mr. SLAYDEN. Will the gentleman from New York permit a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas [Mr. SLAYDEN]?

Mr. SULZER. Yes.

Mr. SLAYDEN. I want to ask the gentleman from New York, who has been here almost from the time the Constitution was adopted, or since the memory of man runneth not to the contrary, and is perfectly familiar with the rules of the House——

Mr. SULZER. Mr. Speaker, I hope the gentleman will be here as long as I am.

Mr. SLAYDEN (continuing). If he did not know that his committee was taking jurisdiction of a bill not properly belonging to it?

Mr. SULZER. Mr. Speaker, I left that to the gentleman's colleague on the Military Affairs Committee, Mr. ANTHONY.

Mr. SLAYDEN. He is not a member of the Committee on Foreign Affairs.

Mr. HAY. Mr. Speaker, out of deference to my friend from North Carolina [Mr. STEDMAN], and what he has said, I will not object.

Mr. SULZER. And out of deference to your friend from New York. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEDMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14083) to create a new division of the southern district of Texas, and to provide terms of court at Corpus Christi, Tex., and for a clerk to said court, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Bee, Live Oak, Aransas, San Patricio, Nueces, Jim Wells, Duval, Brooks, and Willacy shall constitute a division of the southern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said southern district of Texas shall be held twice in each year at the city of Corpus Christi, in Nueces County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Corpus Christi, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Bee, Live Oak, Aransas, San Patricio, Nueces, Jim Wells, Duval, Brooks, and Willacy, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Corpus Christi, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Corpus Christi: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Corpus Christi, which shall be kept open at all times for the transaction of the business of said division.

The committee amendments were read as follows:

In line 6, page 1, strike out the words "circuit and" and in line 12, page 2, strike out the words "circuit and."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like first to ask the gentleman from Texas [Mr. GARNER] whether he would be willing to correct the phraseology of the bill so as to make it conform with these amendments that have already been recommended by the committee. It will require nine amendments.

Mr. GARNER. I will say to the gentleman from Illinois that I am always willing to correct the phraseology of any bill to conform with grammatical language, especially if suggested by the gentleman from Illinois, because he is usually correct in phraseology.

Mr. MANN. It would be very difficult to object after that statement, but I would like to know what is the necessity of the bill?

Mr. GARNER. The gentleman from Illinois doubtless has the report of the Committee on the Judiciary before him.

Mr. MANN. That is true, but it has no report from the Department of Justice in it.

Mr. GARNER. I believe, Mr. Speaker, that it is customary for the Committee on the Judiciary to consider these matters without reference to the views of the Department of Justice. I remember very distinctly five years ago when the President vetoed three bills that were passed by this House, recommended by the Judiciary Committee, and finally these bills were reconsidered by the House and passed as one bill, and the President signed it after they had been refused and thoroughly repudiated by the Department of Justice.

Mr. MANN. That is no reason why we should not have the opinion of the Department of Justice. The report states that this bill meets with the approval of the district judge and the district attorney of this district.

Mr. GARNER. I will say to the gentleman from Illinois [Mr. MANN] that I have seen a letter addressed by Judge Burns to a member of the commercial club at Corpus Christi, in which he says unofficially, without the matter being referred to him for official action, he had no objection to the establishment of this court.

Mr. MANN. Does the gentleman know whether the Department of Justice has any objection?

Mr. GARNER. I do not know; I have not talked with the Attorney General about it. I do know of the necessity of the court, and it is the unanimous opinion of the bar and of the people in that section of the country that there ought to be a court established at this point. The Government has expended three and a half million dollars in establishing deep water at Aransas Pass Harbor. It is in Nueces County, and Corpus Christi is the county seat of that county. Ships from different portions of the world will be landing commerce there, and I think the gentleman from Illinois would agree that there ought to be a court established there to take care of that particular commerce.

Mr. MANN. No; admiralty cases have gone out of date; there are very few of them now, but if the gentleman himself will say that he believes that this division of the district ought to be created, I shall take his judgment.

Mr. GARNER. I can say to the gentleman that I never have introduced a bill in Congress that I thought had more merit than this.

Mr. MANN. That is a little ambiguous.

Mr. GARNER. That might be an evasive answer, but I will say candidly that I believe the court ought to be established, and it is in the interest of economy.

Mr. CLAYTON. Mr. Speaker, in that connection I think the facts that are recited in the report show that this court ought to be established.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "circuit and," and page 2, line 14, strike out the words "circuit and."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend by changing the word "courts," in line 6, page 1, to "court," and in line 10, page 1, by striking out the words "judges" and inserting in lieu thereof the word "judge," and in the same line, striking out the word "courts" and inserting in lieu thereof the word "court"; and on page 2, line 1, by striking out the word "courts" and inserting in lieu thereof the word "court."

Also, page 2, line 7, strike out the word "courts" and insert in lieu thereof the word "court," and in lines 9 and 10 strike out the words "appropriate United States" and insert in lieu thereof the word "district."

Also, page 2, line 4, strike out the word "clerks" and insert in lieu thereof the word "clerk," and in the same line strike out the word "courts" and insert in lieu the word "court."

Also, page 2, lines 15 and 16, strike out the word "themselves" and insert in lieu thereof the word "himself."

Mr. CLAYTON. Mr. Speaker, this bill was reported by the gentleman from Minnesota [Mr. NYE], and I would like to have his judgment as to these amendments.

Mr. NYE. Mr. Speaker, I had not seen the bill. I supposed it was to be redrafted.

Mr. GARNER. Mr. Speaker, I will say for the information of the House that I am entirely responsible for the errors. In drawing the amendments suggested by the committee I did not take into consideration the question of changing the plural to the singular after having stricken out the words "circuit and" in line 6, on page 1, and in line 14, on page 2.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NYE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT MEMPHIS, TENN.

The next business was the bill (H. R. 17239) to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a railroad and highway bridge across the Mississippi River.

The Clerk read the bill, as follows:

Be it enacted, etc., That Arkansas & Memphis Railway Bridge & Terminal Co., a corporation organized under the laws of the State of Tennessee, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a railroad bridge, and all approaches thereto, across the Mississippi River at Memphis, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That said Arkansas & Memphis Railway Bridge & Terminal Co., its successors and assigns, now or at any time hereafter, may, and is hereby, further authorized and empowered to make separate provision by addition to the railroad bridge structure for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

SEC. 3. That said Arkansas & Memphis Railway Bridge & Terminal Co., its successors and assigns, may charge and receive such reasonable rates of toll for the passage of railway trains of all kinds, for the passage of passengers traveling upon said railway trains, for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers crossing such bridge as may be approved from time to time by the Secretary of War: *Provided, however*, That such reasonable rates of tolls so approved by the Secretary of War shall not exceed the sum of 25 cents for each passage over said bridge by passengers upon railway trains crossing same.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Line 6, page 1, strike out the word "railroad."

Line 8, page 1, after the word "Tennessee," insert the words "at a point suitable to the interests of navigation."

Page 1, line 11, after the word "six," add the words:

"*Provided*, That said bridge shall be so constructed, maintained, and operated that in addition to its use for railroad trains and trolley cars it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge to be used by vehicles, pedestrians, horsemen, animals, and all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents."

Strike out sections 2 and 3.

Renumber section 4 so as to read "Sec. 2."

Amend the title so as to read: "To authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to know something of the effect of the passage of this bill upon the navigation of the Mississippi River.

Mr. ADAMSON. I do not see how it would affect it any, as it is to be constructed at a point suitable to the interests of navigation.

Mr. MOORE of Pennsylvania. Is it proposed to build the bridge across the Mississippi River itself?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. You know that we are expending a great deal of money in improving the navigation of the Mississippi River.

Mr. ADAMSON. The provisions of the bill and the report of the War Department amply take care of navigation. We are providing to have one bridge for all purposes.

Mr. MOORE of Pennsylvania. And this bridge, so far as the judgment of the committee is concerned, will not affect the navigation of the Mississippi River?

Mr. ADAMSON. Not at all, and the War Department so states.

Mr. MOORE of Pennsylvania. The Government will not be put to any expense for the construction of this bridge?

Mr. ADAMSON. Not a cent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "railroad" at the end of line 6 and beginning of line 7. Page 1, line 8, insert after the word "Tennessee" the words "at a point suitable to the interests of navigation."

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

Page 2, line 2, insert after the word "six" the following: *Provided*, That said bridge shall be so constructed, maintained, and operated that in addition to its use for railroad trains and trolley cars it shall provide for a separate roadway and appoaches and continuous use by the public as a highway bridge to be used by vehicles, pedestrians, horsemen, animals, and all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. MANN. This amendment provides that tolls may be charged which shall be reasonable rates of toll. Of course, that is a legislative enactment. It might require the construction of a court to determine what are reasonable rates of toll. As I recall the general bridge act, it authorizes the Secretary of War to determine what are reasonable rates of toll. I do not call this to the attention of the gentleman for the purpose of opposing the amendment, but for the purpose of suggesting to whoever is interested in this bill the desirability of not having a conflict between two authorities as to who shall determine what is a reasonable rate of toll. The general bridge act confides it to the Secretary of War.

Mr. ADAMSON. This is governed by that in all respects.

Mr. MANN. Oh, it is except as it is modified, and where we say it shall be a reasonable rate of toll it may be that will require a construction of the act to determine what is a reasonable rate of toll, because we insert in here a specific provision which may be in conflict with the provision in the general bridge act. If it is not in conflict, there is no occasion for having it in here at all. If it is in conflict, it may raise a doubt as to who has the authority to fix what a reasonable rate of toll shall be.

Mr. ADAMSON. I think, on the contrary, the specification that no passenger shall pay over 25 cents is simply directory to the Secretary of War and does not divest him of his jurisdiction at all.

The SPEAKER pro tempore (Mr. CLARK of Florida). The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, strike out all of sections 2 and 3.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "To authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

On motion of Mr. ADAMSON, his motion to reconsider the vote by which the bill was passed was laid on the table.

STEAMER "WILLIAM A. HAWGOOD."

The next business on the Calendar for Unanimous Consent was the bill (S. 4521) to authorize the change of the name of the steamer *William A. Hawgood*.

The Clerk read as follows:

An act (S. 4521) to authorize the change of the name of the steamer William A. Hawgood.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Calumet Transportation Co., of Mentor, Ohio, to change the name of the steamer William A. Hawgood, official No. 204701, to that of R. L. Agassiz.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, his motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

The next business on the Calendar for Unanimous Consent was H. J. Res. 223, providing for the participation by the United States in the International Council for the Exploration of the Sea.

The Clerk read as follows:

Joint resolution (H. J. Res. 223) providing for the participation by the United States in the International Council for the Exploration of the Sea.

Resolved, etc., That the United States shall hereafter participate in the administrative expenses of the permanent International Council for the Exploration of the Sea in the interest of the commercial fisheries.

Resolved further, That the Secretary of the Treasury shall be authorized annually to pay the pro rata share of the United States in the administrative expenses of the permanent International Council for the Exploration of the Sea and for the necessary expenses of an expert official representative in attendance at the annual meeting of the council and clerical and other expenses connected with the investigations out of any money which shall be appropriated for these purposes from time to time by Congress.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have somebody explain this bill.

The SPEAKER. Who has charge of this bill?

Mr. SLAYDEN. What is the number?

Mr. MANN. House joint resolution 223. It is reported from the Committee on Foreign Affairs and was introduced by the gentleman from Massachusetts [Mr. GARDNER].

Mr. SULZER. Mr. Speaker, this joint resolution No. 223, providing for the participation by the United States in the International Council for the Exploration of the Sea, was introduced by the gentleman from Massachusetts [Mr. GARDNER]. I regret that illness prevents him from attendance to-day to explain the matter. All that it does is to authorize the Secretary of the Treasury to pay the pro rata share of the United States as a member of the permanent council for the exploration of the sea. It is an important and a meritorious matter. The diplomatic and consular appropriation bill should carry the appropriation for our share every year. However, as there is no law authorizing the appropriation, it is subject to a point of order in the House. It has been recommended over and over again by the State Department. The Secretary of the Treasury sends annually the estimate. The Committee on Foreign Affairs thought it advisable to obviate this anomaly, took up this resolution, gave a hearing, reported it favorably and unanimously, and I indulge the hope that it will pass without objection.

Mr. Speaker, the object of this council to explore the sea is to acquire a thorough knowledge of the commercial fishes of the Atlantic Ocean, to apply that knowledge in the interest of fishing and fishermen, to advise the cooperating Governments in all matters pertaining to the preservation of the fish supply, the development of the fisheries, and fishery legislation. For this purpose the State Department, with the approval of Secretary Nagel, has asked Congress to make a small and fixed annual appropriation.

In this connection Dr. Hugh M. Smith, Deputy Commissioner of the Bureau of Fisheries, states that the important fishery problems that are demanding attention in Europe are almost identical with those which have arisen or are destined to arise on the western shores of the Atlantic; and it will be of great advantage to the United States to be able to participate in and profit directly by the studies conducted by the leading fishery authorities and experts of western Europe. With larger fishery interests at stake than any other country possesses, it would be illogical, Dr. Smith holds, for this country to neglect any opportunity to place those interests on the finest possible basis. The combined knowledge and experience of the world's greatest fishery experts is offered at a nominal cost.

The preservation of the American salmon, the solution of the mystery enveloping the disappearance of the mackerel, and the question of trawl fishing are considered by experts ripe subjects for international cooperation.

There are now 10 countries represented in the council by official delegates with full powers—Great Britain, Germany, Russia, the Netherlands, France, Belgium, Denmark, Norway, Sweden, and Finland. It owes its origin to an invitation extended some years ago by the Swedish Government to the other States interested in the fisheries of the northern European seas to a conference in Stockholm, at which plans should be drawn for the exploration and investigation of the sea in behalf of the fishing industry. Later a conference was held in Christiania, on the invitation of the Norwegian Government, and finally the States represented at these two conferences decided, by the formal votes of their respective parliaments, to enter into the proposed work, and upon the solicitation of the Danish Government the delegates assembled in Copenhagen in 1902, with full power to constitute themselves an international council.

For the elucidation of vital fishery problems that are common to the two sides of the Atlantic the Governments of the United States and Canada have now joined the council.

Each nation participating in this work contributes a certain fixed sum for the administrative and other expenses of the council. The amount which the United States will be required to expend as its share is $7,156, which equals the contributions of Great Britain, Russia, Germany, France, and Holland. The minor powers, Belgium, Sweden, Denmark, and so forth, are assessed for smaller sums.

Dr. Smith states that the council has never indulged in abstruse scientific investigations with no practical object in view, but has always addressed its inquiries to definite economic questions of vital importance to the fishing industry. He detailed some very interesting examples of the work that has

already been done in connection with the development of fisheries on the western European coast.

The fishery problems of western Europe are the fishery problems of eastern America. All of the great commercial fishes are identical on the two sides of the ocean—the cod, the haddock, the salmon, and the herring. All the economic questions affecting fishery resources that have arisen in Europe during the past 1,000 years of active fishing will sooner or later arise in America, and some of them are already demanding attention. By careful consideration of the experience of European countries in the handling of troublesome questions involving the preservation of the fishery resources untold trouble and expense can be saved if the American Government only follows the proper methods of investigation, legislation, and administration. By taking advantage of the opportunity afforded by the council representing the European nations this country can be assured of the cooperation of the leading fishery authorities and experts of the day, and can clear up in short order matters that might for a generation hang over and threaten American fishery interests.

Mr. MANN. Mr. Speaker, I understood the gentleman to say that this item was carried in the annual diplomatic appropriation bill. How long has it been carried in that bill?

Mr. SULZER. My impression is once or twice. This is a recent council, and all the European nations and Canada and the United States are members of the council. It does good work in exploring the Atlantic Ocean to find out about the habits of the food fishes. It is a commercial matter of great interest to all the people of the United States, and for the little that we pay every year as a member of this council we get back in material things thousands of dollars for every one expended.

Mr. MANN. Is it not a fact that all of the work that has been done by this council so far in the way of exploration has been done in the North Sea, with which we have no immediate connection?

Mr. FITZGERALD rose.

The SPEAKER. Does the gentleman from New York [Mr. SULZER] yield to his colleague from New York [Mr. FITZGERALD]?

Mr. SULZER. Yes; in a moment. Let me say that the knowledge gained from the council by the bureaus of fisheries, with special regard to the fisheries of the North Atlantic coast, will be very useful in consideration of the welfare of the fisheries of the entire country, and will be especially valuable in the administration of the fisheries of Alaska. The physical and tidal condition of the waters of the northwest coast of the United States are so similar to those of the northwest coast of Europe that the experience of the European nations in administering the fisheries to the best advantage can not fail to be most helpful to the American industry.

The estimates for this appropriation were sent to Congress by the Secretary of the Treasury, and the money to pay our share should be carried in the diplomatic and consular appropriation bill. We should pay our share as a member of this international council, and it is a good deal better, in the opinion of the Committee on Foreign Affairs, to have a law that will authorize the appropriation than to make the appropriation without authority of law.

Mr. MANN. Does the gentleman say that we are a member of this international council?

Mr. SULZER. Yes.

Mr. MANN. On what authority is that statement made?

Mr. SULZER. If the gentleman will read the testimony of Dr. Smith before the committee he will find that the Government has been represented in this council.

Mr. FITZGERALD. The gentleman from New York [Mr. SULZER] is mistaken. The invitation has been extended, but never accepted.

Mr. MANN. What does this mean:

> The United States Government has been recently invited, through official channels, to become a party to this international council, and at the annual meeting held in 1910 in Copenhagen the Department of Commerce and Labor was represented.

Mr. SULZER. We were invited to join this international council. We joined. We participated. We get the results. The Government has sent a representative to it. We have appropriated money for its expense—our share up to the present time—and we have taken advantage of all the council has done. The State Department, as the gentleman will see by the letter of Mr. Huntington Wilson, approves this legislation. It says:

> The object of the resolution is to give effect to what I have twice recommended in the estimates for foreign intercourse, namely, those for the fiscal year ending June 30, 1912, and for the fiscal year ending June 30, 1913, and, if I may be permitted to do so, I beg to give renewed expression to the favor with which I regard this matter.

Mr. MANN. Is the gentleman able to state how many of these international bodies we contribute to the support of, all of which are located in foreign lands and none of which is located on American soil?

Mr. SULZER. Very few, I believe. I want to say I do not believe there is one of them that is of such importance to the people generally of the United States as this International Council for the Exploration of the Sea.

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. SULZER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Is not this the same item that was in the diplomatic and consular bill last year?

Mr. SULZER. It is.

Mr. MOORE of Pennsylvania. And was thrown out on a point of order?

Mr. SULZER. It went out on a point of order in the House. That is what I am trying to obviate by passing this resolution.

Mr. MOORE of Pennsylvania. It was thrown out on the objection, I think, of the gentleman from New York [Mr. HARRISON].

Mr. SULZER. That I do not know. The record will show.

Mr. MOORE of Pennsylvania. It is one of the kind that were objected to in the same way?

Mr. SULZER. Quite true. We should appropriate money to pay our share. It is only a few thousand dollars every year, and it is worth it, according to the testimony of those most competent to judge.

Mr. MOORE of Pennsylvania. Is it a fact that prior to the objection made last year to this item in the diplomatic and consular bill the Government had been participating in these conferences and that appropriations had been made for that purpose?

Mr. SULZER. That is quite true.

Mr. MOORE of Pennsylvania. What is the appropriation asked for this year?

Mr. SULZER. The appropriation asked for this year is a little over $7,000.

Mr. MANN. We sent representation to the congress once, but we never have become members of the International Council. We have been invited to do so, and so has Canada, but I do not think Canada has accepted the invitation. I shall not object to the resolution, although it is perfectly patent to anyone who gives consideration to these international bodies that they are designed to obtain information for the benefit of foreign countries exclusively. We carry on our own work in these directions, and we give the benefits and results of that work to the world; and having done that we are asked, in addition to that, to contribute to the expense of investigations somewhere else, with which we are not concerned except in a mere scientific way.

Mr. SLAYDEN. Mr. Speaker, will the gentleman allow me an interruption before he takes his seat?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Certainly.

Mr. SLAYDEN. I understand that we do for ourselves all work of a similar nature, and we are invited to participate in a commission or a convention or an association located in a foreign country from which we derive no benefit?

Mr. MANN. From which we derive no benefit except, possibly, in a scientific way.

Mr. SULZER. We derive much benefit and valuable information from these scientific explorations.

Mr. MANN. They do not make explorations where we are interested. We make our own explorations at our own expense.

Mr. SLAYDEN. Then, why should we engage in it?

Mr. MANN. Out of good nature only, I guess.

Mr. SULZER. Let me say to the gentleman that off the coast of North Carolina, off the coast of Virginia, and off the coast of Massachusetts, where great schools of food fish were formerly found, they have disappeared. They do not come there now. Our fishermen do not catch them now. They have gone, for reasons we are trying to find out, to some other part of the Atlantic Ocean.

Mr. SLAYDEN. It may be they have disappeared altogether.

Mr. SULZER. No; they have gone to other places where the food supply for these fish is better, and where, perhaps, the ocean currents are better adapted to their development. The scientists representing all the countries of Europe and North America are trying to find out about the habits of fish. They publish the information they obtain, and the reports are sent to our Government.

Mr. SLAYDEN. It seems to me the important thing is whether that commission is going to propose a plan by which we could persuade those fish to return to the shores of America. [Laughter.]

Mr. FLOOD of Virginia. There is no doubt about that.

Mr. SLAYDEN. How is that proposed to be done?

Mr. FLOOD of Virginia. We are going to devise a plan by which that can be done. [Laughter.]

Mr. SLAYDEN. If they do not come back; if we do not provide more schools for their instruction and persuade them to return——

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Colorado?

Mr. SULZER. I do.

Mr. RUCKER of Colorado. Is it not a fact that the principality of Monte Carlo is one of the nations participating in this congress?

Mr. SULZER. No.

Mr. RUCKER of Colorado. The gentleman knows that the Prince of Monte Carlo has been for years engaged in the very laudable project and endeavor of discovering the secrets of the deep?

Mr. MANN. Catching suckers, as I understand it. [Laughter.]

Mr. SLAYDEN. I was just going to suggest that.

Mr. SULZER. This is a serious matter.

Mr. RUCKER of Colorado. If the gentleman from Texas and the gentleman from Illinois will only quit laughing long enough for me to ask a question, I will be obliged to them. I wanted to know whether the chairman of the Committee on Foreign Affairs is aware of the fact that this Congress has the benefit of the researches made by the Prince of Monte Carlo?

Mr. SULZER. It has.

Mr. RUCKER of Colorado. And that is obtained freely, without the principality being one of the nations participating along with the other nations?

Mr. SULZER. I would say to the gentleman from Colorado that is quite true, and that it is most commendable. I will say further to the gentleman from Colorado that the countries that are now parties to this council are Belgium, Denmark, England, the Netherlands, Norway, Sweden, Scotland, Canada, and the United States.

Mr. RUCKER of Colorado. Now, I will say to the gentleman, in conclusion, that that answers my question, and I now yield back my time to the gentleman from Texas and the gentleman from Illinois.

Mr. SULZER. The gentleman is always very courteous.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. SULZER. Yes.

Mr. FITZGERALD. I wish to inquire of the chairman of the Committee on Foreign Affairs by whom are the investigations conducted that are determined by this council to be made within the regions designated?

Mr. SULZER. I did not hear the gentleman's question.

Mr. FITZGERALD. By whom are the investigations conducted that are determined by this council should be made?

Mr. SULZER. On the part of the United States.

Mr. FITZGERALD. No; not on the part of the United States. The United States has not made any yet.

Mr. SULZER. The United States is a party to the council.

Mr. FITZGERALD. The United States has not been a party to the council.

Mr. SULZER. Oh, yes; it was represented in the council.

Mr. FITZGERALD. The gentleman is mistaken. The report of the committee shows that an invitation has been extended to the United States, but it has never been a member of the council.

Mr. FLOOD of Virginia. It had representatives there in 1910.

Mr. SULZER. Yes.

Mr. FITZGERALD. Where does the gentleman find that statement?

Mr. FLOOD of Virginia. That is in the report.

Mr. SULZER. The gentleman from New York will find it in the testimony, before the committee, of Dr. Smith, of the Bureau of Fisheries. We are a party to the council, not by virtue of an authorization by Congress, but by participation and assent, and we appropriate the money for our share. All the Committee on Foreign Affairs wants to do is to put behind the appropriation an authorization, so that it will not be subjected to criticism.

Mr. SLAYDEN. How much of an appropriation is asked for in this bill?

Mr. SULZER. None.

Mr. SLAYDEN. How much will it cost?

Mr. SULZER. It will cost in the neighborhood of six or seven thousand dollars a year.

Mr. SLAYDEN. Why should it be indefinite?

Mr. SULZER. Our share depends on the total expenses. The expenses of the council every year are apportioned among the nations which are parties to the council.

Mr. SLAYDEN. I do not approve of the idea of making an indefinite appropriation of an undetermined amount.

Mr. SULZER. This resolution merely authorizes the Secretary of the Treasury to pay our share.

Mr. SLAYDEN. Does not this do it?

Mr. SULZER. No; it simply authorizes the Secretary of the Treasury to pay our share.

Mr. SLAYDEN. That is virtually an appropriation.

Mr. SULZER. Some years it may be more and some years it may be less. This year it is about $7,000——

Mr. SLAYDEN. Does it, like all other commissions, show a tendency to grow in cost?

Mr. SULZER. The council does a purely scientific work.

Mr. SLAYDEN. Has it ever been higher in any previous years than it is this?

Mr. SULZER. No.

Mr. SLAYDEN. Then it is higher this year than ever before?

Mr. SULZER. About the same. I think the amount asked for this year is the same as last year.

Mr. FLOOD of Virginia. There was none last year.

Mr. SLAYDEN. It looks to me like bad legislation to appropriate indefinitely.

Mr. FITZGERALD. I should like to get some information.

Mr. SULZER. I shall be pleased to give the gentleman the information.

Mr. FITZGERALD. I am endeavoring to find out how these investigations are made. Suppose this council should determine that investigations should be made in waters under the control of the United States. How and by whom would such investigations be made?

Mr. SULZER. These investigations are made by scientific men of the countries which are parties to the council.

Mr. HUGHES of New Jersey. I should think that ought to satisfy the gentleman from New York [Mr. FITZGERALD].

Mr. SULZER. The exploration of the sea to find out about fish is a large undertaking, and these men do it along scientific lines in an international way, just as the United States is making investigations about fish for itself in a national way.

Mr. FITZGERALD. These investigations are confined to quite a restricted area.

Mr. SULZER. They take in the northwest Atlantic Ocean.

Mr. FITZGERALD. No; the gentleman is mistaken. The investigations extend from the Barents Sea in the north to Morocco in the south, and include the fisheries of the Baltic, off Iceland and Faroe, and on the Rockhall Bank. The United States itself has made appropriations for many years for investigations by the Fish Commission.

Mr. SULZER. I will say to the gentleman——

Mr. FITZGERALD. It has made appropriations for inquiries respecting food fishes, the cause of decrease of food fishes in waters of the United States, investigations and experiments in respect to aquatic animals and plants, and in the interest of fish culture and the fishery industry.

Reading the hearings before the Committee on Foreign Affairs, it appears that the council is a deliberative council, and it determines the scope of the investigations at the annual meeting for the year that is to follow. Suppose it is determined that certain investigations should be made in the waters under the control of the United States, of the Atlantic coast, by whom, by what party or nation would such investigation be made?

Mr. SULZER. It appears in the hearings before the committee, and will appear clear to every Member of the House who looks into the subject matter, that this council is doing a most important scientific work.

Mr. FITZGERALD. Will the gentleman answer my question, because upon that answer depends my attitude toward this measure?

Mr. SULZER. If the gentleman from New York will permit me to conclude, I will answer him. These investigations are made in the most scientific way that is known to-day to man.

Mr. FITZGERALD. Who makes them?

Mr. SULZER. The nations making them that I have mentioned.

Mr. FITZGERALD. Who would make such investigations in the waters of the United States that I have indicated?

Mr. SULZER. I will read for the gentleman's information——

Mr. FITZGERALD. I have read that. The gentleman does not know or will not give the information I ask.

Mr. SULZER. I will read what the Department of Commerce and Labor says.

Mr. FITZGERALD. I have read that four times.

Mr. SULZER. If the gentleman has, he does not understand it. I will try to make him understand it. [Laughter.]

Mr. FITZGERALD. Now, will my colleague answer the question? I will repeat it: In the event that this council should determine that certain investigations should be made in waters under the control of the United States on our Atlantic coast, by whom would such investigation be made?

Mr. SULZER. They might be made by the United States.

Mr. FITZGERALD. That is what I wanted to get at.

Mr. SULZER. If they were within the 3-mile limit of course they would have to be made by the United States, but they might be made by Norway or the Netherlands, or by any other country beyond our jurisdiction.

Mr. FITZGERALD. Has Norway or the Netherlands or any other country any parties at work making investigations of the waters under the control of the United States?

Mr. SULZER. The testimony shows that codfish on the Newfoundland banks are becoming fewer every year. They are the greatest food fish in the world. Great nations have gone to war about the right to take these fish on the Newfoundland banks. This council is investigating the habits of the codfish. We are getting valuable information, and if we are getting it we ought to pay our share. We do pay it, but the Committee on Foreign Affairs want to have this resolution passed so we shall not have to make an appropriation and have it subject to a point of order.

Mr. CURLEY. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. CURLEY. Is it customary for the food fish to school in any particular place annually? As a matter of fact, is it not the purpose of this commission to so study and become informed as to the habits of the fish as to be able to locate their place of schooling?

Mr. SULZER. That is quite true. The great food fish are migratory. Some seasons they go to one place and some seasons to another place. Some attribute it to one cause and some to another cause. We know very little about the customs of the inhabitants of the ocean, but we are making investigations to find out all we can. It is an economical subject as well as a commercial matter. Fish is becoming more and more a necessary of life. All great nations are making scientific investigations. We have a great seacoast on the Pacific and on the Atlantic. Our people make a great deal of money every year out of fish, not only on the Atlantic but on the Pacific coast and in Alaska, and any information that we can get regarding the habits, the migrations, the supply, and the value as food of these commercial fish is very valuable. It should require no argument to demonstrate the proposition. We are getting information, to a large extent, through the agency of this international council, and we ought to be glad, as a great Nation of 90,000,000 people, to pay our share when it amounts to only about $7,000. I do not believe in being penny-wise and pound-foolish. I know something of the value of food fish to the people.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. SULZER. I will.

Mr. SHARP. Mr. Speaker, I subscribe most heartily to all the gentleman's views, agreeing with all that he has said about the propriety of making this appropriation. I wish to ask, in part answer to the gentleman from New York [Mr. FITZGERALD], who has asked the question, if it is not in contemplation that if our Government participates in this council, which we have not done in the past and have refused to do, even to the extent of a few thousand dollars a year, that some of our scientists, some of our men who are up in that knowledge, would be a part of that council naturally, and would participate in that investigation.

Mr. SULZER. What the gentleman says about our scientists is true. However, we do participate in the council.

Mr. SHARP. And in further answer to the gentleman from Texas [Mr. SLAYDEN], who objected to this appropriation because of its lack of definiteness, I wish to ask if it has not been the history of all these expenditures on the part of other Governments that the sum required has averaged less than a thousand dollars for 8 or 10 years past, and that in all probability our share would not exceed $5,000 per year.

Mr. SULZER. About that.

Mr. SHARP. And if in view of the fact that our Government has adjacent to its shores many, many times as many miles of seacoast as any of the other participants, there is any good and just reason why we should not participate in that small share of $5,000 to get this further knowledge.

Mr. SULZER. The gentleman has well stated it, I trust, Mr. Speaker, that my friend from New York will not object to this resolution.

Mr. FITZGERALD. Mr. Speaker, this report says that this council owes its origin to an invitation extended by the Swedish Government to the other Governments interested in the fisheries of the northern European seas to a conference at Stockholm, at which plans should be drawn for the exploration and investigation of such seas in behalf of the fishing industry; and the investigations so far conducted have been solely designed to benefit those interested in the fishing industries of the northern European seas. The United States under its own Fish Commission conducts all of the investigation necessary and essential in waters under the control of the United States, not only on the Atlantic and on the Pacific but in the waters of Porto Rico, the Hawaiian and the Philippine Islands. It does it at an expense of about $35,000 a year. It is now proposed that we authorize an expenditure of over $7,000 a year to facilitate investigations conducted under the protection of a council which is primarily convened to advance the fishing industry of those engaged in fishing in the northern European seas.

Mr. SULZER. Mr. Speaker, I want to say to the gentleman from New York that I trust he will not object to pass this resolution by unanimous consent.

Mr. FITZGERALD. Mr. Speaker, I do not care to have my colleague say that to me. I shall exercise my own judgment.

Mr. SULZER. I say so, because I believe it is a matter of the utmost importance to the poor people—to the consumers—of the United States. Every year we will doubtless appropriate the money for our share, whether it is authorized by an act or not, because if it is not put on the appropriation bill in the House it will be put on the bill in the Senate, and the conferees on the part of the House will ultimately yield and support it. The truth about the matter is that if we participate in this council we ought to pay our share. The council is doing a world work in the interest of the consumers. I want to say, and I know whereof I speak, that there is nothing to-day in which the people of the world take a greater interest than in the high cost of the necessaries of life. One way to lessen the cost of living is by increasing the supply of food fishes. The price of meat is going up. Meat is becoming scarcer and harder to get for the poor man in this country. Our great cattle ranges in the West are a thing of the past. Our supply of live stock must grow less. We can not raise the beef for export we formerly did. In a few years it will be all we can do to raise enough meat to supply the wants of our own people. Our poor people, like the poor people in other countries, must ere long live more and more on fish. It is the natural law. We can not evade it if we would. Fish are healthful to eat. All scientists say so. The more fish we have the better for our people. We should do all we can to preserve and protect the great food supply for man afforded by the sea. It is one of the necessaries of life.

Mr. FITZGERALD. Mr. Speaker, I wish to say to my colleague the statement that Congress is going to appropriate this money whether it is legal or otherwise is a statement the gentleman will find he will not be able to substantiate.

Mr. SULZER. Well, it has done it, and that is just what I am opposed to and want to avoid by this meritorious legislation.

Mr. FITZGERALD. It has not done it in recent years.

Mr. SULZER. It has been done since this council was created.

Mr. FITZGERALD. I desire to say to my colleague, if he imagines that in defiance to the sentiment of this House in the consular and diplomatic bill he can successfully agree to items inserted in the Senate to which the House is opposed he will have a sad awakening before the expiration of this session of Congress. I object to this bill.

The SPEAKER. The gentleman objects, and the bill is stricken from the calendar.

Mr. SULZER. Mr. Speaker, I move to suspend the rules——

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. That can not be done until we get through with call for unanimous consent. The Clerk will report the next bill on the calendar.

PROOF OF DESERT-LAND ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17032) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.

The Clerk read as follows:

A bill (H. R. 17032) authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Modoc and Lassen, Cal.

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, grant to any entryman who has heretofore made entry under the desert-land laws in the counties of Modoc and Lassen, in the State of California, a further extension of the time within which he is required

to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I would like to have an explanation of the bill.

Mr. RAKER. Mr. Speaker, this is a counterpart of an act of February 28, 1911 (36 Stat., 960), relating to Washington, and a like act passed this year applying to the counties of Weld and Larimer, in the State of Colorado. This bill was taken up before the Public Lands Committee, and after going into the matter they have unanimously reported it after receiving a report from the Acting Secretary of the Interior. The report shows that there are three principal projects in these counties at present, one covering an extent of some 2,000 acres, and another one of about 40,000 acres, and another one for something over 200,000 acres, and they are all private concerns. The last one, known as the Lassen-Willow Creek Water Co., according to a report made July 5, 1911, proposes to irrigate about 200,000 acres, and apparently has sufficient water rights for that purpose. Only about 10 per cent of the project had been completed at that time, and the company was embarrassed for a lack of available funds to prosecute its work. And there is a question of litigation, and the purpose is to give the entryman under these projects, present enterprises, and other entries three years more time in which to complete their reclamation, cultivation, and proof, and the Secretary recognizes it as to these bills.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield.

Mr. MONDELL. Mr. Speaker, I think there should be no objection to the passage of this bill, but I think that Congress should go further and pass a general bill on the subject. The necessity for this legislation is apparent. It is also apparent that as time passes and irrigation projects involve greater and greater difficulties it becomes necessary to give the entryman an extension of time within which, in some instances, to apply water to his land. The desert-land law requires proof in 4 years from the date of entry. We passed a law some 2 years ago authorizing the Commissioner of the General Land Office, on a proper showing, to grant an extension of 3 years. The bill before the House provides that a further extension of 3 years can be granted by the Secretary of the Interior, so that the extension herein granted will give these entrymen 10 years from date of original entry within which to make proof, providing they can make a proper showing that through no fault of their own, no lack of effort on their own part, they are unable to irrigate their land. Of course these men must eventually pay the amount due on their lands—that is, the amount due the Government, $1.25 or $2.50 an acre—but they are relieved from the necessity of proving that which under the circumstances they are unable to prove—that they have reclaimed their lands.

Mr. MANN. Does a desert-land entryman have to pay $2.50 an acre for desert land?

Mr. MONDELL. A dollar and a quarter an acre for land not within a railroad-land grant.

Mr. MANN. Where are these lands?

Mr. MONDELL. My understanding was that these were probably within land-grant limits.

I am not certain, however, as to that. I was assuming that they were. The ordinary desert-land entryman pays $1.25 an acre for his land. If he has anything within land-grant limits he pays double the price.

Mr. RAKER. I do not think these come within land-grant limits, I will say to the gentleman. In addition to the $1.25 he has to pay $1 an acre each year for the improvement of that land in the way of getting water, and so forth, for the first three years, and these projects have obtained water rights, and are obtaining them, at the cost of $25 to $50 an acre—that is, when they get it finally paid for after 10 or 20 years' payment they will get a perpetual water right. This is all private enterprise by corporations, associations, and individuals, bringing under reclamation and cultivation land that even the Government believed, under their investigation, could not be so brought. Whenever you can give these private individuals and give private capital an opportunity to go into these barren hills and put in dams and build ditches by which to assist in reclaiming these vast tracts of arid lands they ought to be given sufficient time in which to do it. If any more time should be needed, they ought to have it. The entryman is not really responsible for the misfortunes that may occur. A dam may break, a flume goes out, and in one district they had a tunnel a mile and a half long, and the tunnel caved, and it took a year to build it up, and in that year they were unable to get the water. In another instance the head gate went out. Private individuals are doing all they can, but when they get through and when they make proof to the Government they must show that they have expended this amount of money—that is, $3 per acre for the first three years for the water-right improvements, and so forth—but, as a matter of fact, when they come to prove up and get their water right from the company, an organization or a corporation, they pay from $25 to $50 an inch per acre.

Mr. MANN. Where is the requirement that they have to pay $3 an acre on account of water right?

Mr. RAKER. That is on improvement—cultivation, and so forth. That is in the law to-day. The general land law requires them to expend $1 an acre on the entire tract for the first year, and $1 an acre for the second year, and $1 an acre the third year, and in the fourth year they may prove up.

Mr. MANN. That does not apply in this case, however.

Mr. RAKER. No; not here.

Mr. MANN. It has nothing to do with the case at all. It simply applies to this extent: Having expended that money, having entered into a contract and made preparations for the water, if by any reason they fail, they should not be cut out by a contest, but should be given a sufficient length of time in which to complete the irrigation, reclamation, or cultivation.

Mr. MONDELL. Mr. Speaker, I think I can explain the situation to the gentleman. These entrymen have all made their affidavits of the expenditure of $1 an acre per annum for three years for the irrigation of their land.

Mr. RAKER. That is right. They are required to do that the first three years of their entry, and of course they have done it.

Mr. MANN. What have they expended it on?

Mr. MONDELL. They must show that they have either expended that money for the actual construction of irrigation work, in the cultivation of land, or in the purchase of water rights.

Mr. MANN. These people are not constructing irrigation works.

Mr. MONDELL. In this case it is possible they have made that expenditure in the purchase of water rights; that is, they have paid that much to the people who are building irrigation works. The expenditure of $1 an acre per annum must be for purposes tending to the development, cultivation, and the reclamation of the land. That proof has all been presented.

Mr. MANN. What does it mean in the bill, then, that all they need to show is they are unable to make proof of the reclamation and cultivation of said land, as required by law, within the time limited therefor. Is not that for the very purpose of eliminating the requirements that they shall have expended at least $1 an acre on the land?

Mr. MONDELL. If the gentleman will allow me just a moment——

Mr. RAKER. The man may have expended his money, $1 an acre, and still he would have nothing upon which to make final proof. Why? Because he must have actually improved and diverted the water upon the particular tract of land that he desires to prove upon.

Mr. MANN. May I ask the gentleman a question? All this, to me, is not especially interesting or informing. I would like to know what the process is in reference to these projects. Here is one company that proposes to irrigate 200,000 acres of land. Evidently no one made any desert-land entries upon that land to any considerable extent before the irrigation project was inaugurated.

Mr. RAKER. I will answer the gentleman upon that. In regard to this first one in particular, the Madeline Meadows Land & Irrigation Co.'s holding is a place that I have been over for the last 26 years.

Mr. MANN. The gentleman is personally familiar with it?

Mr. RAKER. Yes. It lay idle until within the last seven or nine years. The company has gone in and bought out some water rights and has built a dam and made canals and ditches to bring the water upon what is known as the Madeline Plain, a tract of land about 60 miles long and averaging from 10 to 20 miles broad. It is desert land, without any water on it, covered with sagebrush from a foot and half high to 10 feet high, and some of the sagebrush is at least 6 inches in diameter down at the base. These men entered into a contract with the desert-land entrymen and——

Mr. MANN. Where do the desert-land entrymen come from? They did not go on there in the first place for the purpose of

cultivating the soil without any possibility of irrigation, did they?

Mr. RAKER. The gentleman is mistaken about that. As quick as the project is in shape——

Mr. MANN. But the gentleman says that the people in charge of the project sold to the entrymen first.

Mr. RAKER. I do not understand the gentleman.

Mr. MANN. People do not make desert-land entries upon ground of this kind unless they know there is an irrigation project in sight.

Mr. RAKER. A great many of the entrymen are local people and some came from various States. Some of them came from the Eastern States. They came and filed upon that land, but they were unable in the first four years to get the water on the land, owing to the fact that the first year the tunnel gave in, and the next year the head gate could not be used. That is why they got the first extension. Others require more time on their projects. They pay at least $35 an acre for an inch of water. When it is completed that becames a part of the water right upon their land.

Mr. MANN. Until the tunnels burst again, and the head gate will not work the next time.

Mr. RAKER. It will work if it is only attended to properly.

Mr. TAYLOR of Colorado. Mr. Speaker, if the gentleman will allow me, I wish to say that it is not the fault of the entryman that the engineers make a mistake.

Mr. MANN. No; it is not the fault of the entryman if the engineers make a mistake, and therefore I do not object to these extensions; but it is the fault of the Government that permits a lot of entrymen to go on the land where a lot of them may be swindled in the end, in connection with irrigation projects that are not properly conceived and are not properly carried out. I do not know whether or not that is the case in this instance.

Mr. RAKER. It is not in these projects; and good results have been obtained by private individuals in many instances.

Mr. TAYLOR of Colorado. The gentleman may be correct. It has cost as much as $85 an acre to get the water on the land, but after these men have spent their money on the ground it is only equitable that the Government should give an extension.

I would say to the gentleman from Wyoming [Mr. MONDELL] that after passing an act like this, which the President signed on the 20th day of January, I received another application similar to this, and I now have a general bill pending, favorably reported by the committee, to allow all entrymen who have made a general entry throughout the United States to have an extension.

Mr. MONDELL. I wonder why the gentleman did not put that on the Unanimous Consent Calendar, so that we could dispose of all these cases at one time and not make a number of bites of the cherry.

Mr. TAYLOR of Colorado. I doubted the wisdom of putting it on the Unanimous Consent Calendar and thus complicate it with the bills on the other calendar. But I hope the relief asked for may be had in this case. I hope the House will act favorably upon this bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

LOT IN THE CITY OF ALVA, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to Company I, Oklahoma National Guard, the following tract of land, in the city of Alva, Woods County, State of Oklahoma, to wit: Lot No. 19, in block No. 41, according to the original plat thereof.

With the following committee amendment:

In line 4 insert, after the word "I," the words "First Regiment"; and in line 8 strike out the period after the word "thereof" and insert a comma, and add the following words, to wit: "which patent shall be issued upon the express condition that Company I, First Regiment Oklahoma National Guard, must erect an armory building upon said lot within two years after the approval of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to have the gentleman explain the bill.

Mr. MORGAN. Mr. Speaker, this bill refers to a lot in the town of Alva. Alva is a part of a certain tract of land that was opened to settlement in September, 1893. Under the act the Secretary of the Interior or the President was authorized to reserve 320 acres in each county for a county-seat town. Those lots were not sold to settlers, but the entire town site was given away free to settlers. That is, a man who went in there on that day or any subsequent day and took a lot got it free.

It so happened that there was a certain lot which was not taken by any person, and it has remained there from September, 1893, down to the present time—19 years—unoccupied, unused, and unowned except as the title remained in the Government.

In 1896, at the request of the adjutant general of the Territory of Oklahoma, this lot was reserved or set aside for the use of the local militia company for an armory; but we were expecting statehood every year, and it went on from time to time, and the militia company has never gotten title.

The lot is 25 by 140 feet. Under the State law of Oklahoma the local militia company is authorized to acquire title to real property for the purpose of constructing an armory.

This bill has been recommended by the Secretary of the Interior. He raises no objection to the passage of it. The lot is a small one. The bill provides that a suitable armory shall be constructed, which will probably cost two or three thousand dollars. I think there ought to be no objection to the bill.

Mr. MANN. I see the committee have recommended an amendment to the bill providing that the patent shall be issued upon the express condition that an armory building shall be erected upon the lot within two years after the approval of the act. Supposing an armory building be not erected, then who has the title?

Mr. MORGAN. It remains with the Government, of course.

Mr. MANN. Not at all. That is just where it does not remain. The Government passes the title by patent. The title goes to the patentee upon a condition subsequent, and if the armory should not be erected within two years it would take legal action to determine where the title rested and who had the title. It would tie up the title to the property so that nobody could do anything with it.

Mr. NORRIS. It is tied up now.

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. I should like to state that the words "upon the express condition" appear to me, under the holding of our Supreme Court, to mean that if the condition is not complied with within that time the title reverts to the original owner.

Mr. MANN. Oh, no. The title never reverts on a condition subsequent in a deed, except upon some action taken.

Mr. RAKER. There is a difference of opinion on that.

Mr. MANN. Here is a proposition to make a patent of the land on a condition subsequent. The Government might have the right to commence legal proceedings to obtain title. If the purpose of the amendment is to have the title revert to the Government, it is a very simple proposition to fix it so that it shall. I do not desire to insist upon a proposition of that sort, although I have prepared an amendment which would settle that thing.

Mr. FERRIS. Will the gentleman offer his amendment?

Mr. MANN. My amendment reads as follows:

Provided, however, That if said armory building shall not be erected on said lot at the time specified, or if at any time thereafter said lot shall cease to be used as a site for the armory building, the title to said lot shall, without further action, revert to and be in the United States.

Now, I understand from the gentleman from Oklahoma that he has some objection to that part of the amendment which provides that if at any time thereafter the lot shall cease to be used for an armory building the title shall revert, that it might prevent the borrowing of any money for the erection of the building.

Mr. FOSTER of Illinois. May I inquire of my colleague, or the gentleman from Oklahoma, if the armory building is to be built by the State or by private parties?

Mr. MANN. It is not to be built by the State.

Mr. MORGAN. It is to be built by a local organization.

Mr. MANN. By a local company of militia.

Mr. MORGAN. The militia company is incorporated under a State law, and is authorized to acquire title to land upon which to build an armory.

Mr. MANN. Of course, the company might disband at any time. That was what I had in mind, but I do not care so much about that. I would like to inquire, however, of the gentleman from Oklahoma how much this property is worth.

Mr. MORGAN. I think it would be worth $300 or $400.

Mr. MANN. Is it not worth more than that?

Mr. MORGAN. I have given the gentleman my best judgment.

Mr. FOSTER of Illinois. How large a town is this?

Mr. MORGAN. A town of about 4,000 people. It is the county seat, but this is not a first-class lot.

Mr. FOSTER of Illinois. Is it in the center of the town?

Mr. MORGAN. It is on one side of the business part of the town, not in the business center, but near the edge of the business part, if I am correctly informed.

Mr. MANN. How much did people there pay for their lots?

Mr. MORGAN. Every single lot was given away by the Government of the United States to individuals. Individuals went in there and some of them got a lot worth $2,000 or more the moment they put their foot on it.

Mr. MANN. Does not the gentleman think it is about time that some of these people contributed to buy something from the Government?

Mr. MORGAN. I think if the Government could give lots to individuals, for a much greater reason it should be liberal in donating to a local company of militia. I do not see how there can be any objection to it.

Mr. MANN. This is a bona fide company of militia, is it not?

Mr. MORGAN. Yes.

Mr. MANN. The gentleman knows that?

Mr. MORGAN. I am well acquainted with a good many of the men active in it, and they have been after this for a good many years.

Mr. MANN. Mr. Speaker, I will modify my amendment and have the title revert if the building is not erected.

Mr. MORGAN. That will be perfectly satisfactory.

Mr. FOSTER of Illinois. Would it not be proper to provide that they should pay back the value of the lot if they fail to use it?

Mr. MANN. I think the gentleman from Oklahoma may be correct in assuming that these people who are to construct the armory will have to borrow money. Of course, they could not borrow money where the mortgagee, if he foreclosed, would lose the title to the land. A man would not be apt to lend money on security which, if he enforced his claim on the security, he would lose it.

Mr. FOSTER of Illinois. This would only require the payment back of the appraised value of the lot.

Mr. MANN. I am frank to say that I feel a little bit different in regard to the National Guard as far as the Government is concerned. Now, I will withdraw my right to object and offer the amendment.

The SPEAKER pro tempore (Mr. WILSON of Pennsylvania). The first question is on the first committee amendment, which the Clerk will report.

The Clerk read as follows:

In line 4 insert after the word "I" the words "first regiment."

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment of the gentleman from Illinois to the second committee amendment, which the Clerk will report.

The Clerk read as follows:

The committee amendment is as follows:

"Page 1, line 8, strike out the period after the word 'thereof' and insert a comma and add the following words, to wit: 'which patent shall be issued upon the express condition that Company L, First Regiment Oklahoma National Guard, must erect an armory building upon said lot within two years after the approval of this act.'"

And the amendment to this amendment offered by Mr. MANN is as follows:

Amend the amendment by inserting after the word "act," line 11, the following: "*Provided*, That if said armory building shall not be erected on said lot within the time specified the title to said lot shall thereupon without further action revert to and be in the United States."

Mr. MORGAN. Mr. Chairman, I desire to offer an amendment in line 9. Would it be proper to offer that now?

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois to the committee amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. FERRIS. Mr. Speaker, it is necessary, and I think the gentleman from Oklahoma [Mr. MORGAN] desires to ask unanimous consent to change the name of the company. In the main text of the bill in line 4 it is Company I and in the committee amendment in line 9 it is designated Company L. That undoubtedly ought to be changed.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to amend, in line 9, by striking out "L" and inserting "I."

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to amend the amendment by striking out "L" and inserting "I." Is there objection?

Mr. AKIN of New York. Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. MORGAN. Yes.

Mr. AKIN of New York. I hope the gentleman will notice the fact that I have not held him up.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the gentleman a question. Do I understand that this proposes to convey to a company of the National Guard certain real estate?

Mr. MORGAN. Yes.

Mr. BURKE of South Dakota. Do I understand the gentleman to say that this company is incorporated?

Mr. MORGAN. Under the laws of Oklahoma the local military companies are specifically authorized to acquire title to real estate and construct an armory.

Mr. BURKE of South Dakota. Does the law provide how they shall convey real estate?

Mr. MORGAN. Yes.

Mr. BURKE of South Dakota. What would happen in this instance if this company mustered out and disbanded and subsequently another company were formed as a part of this regiment and designated Company I?

Mr. MORGAN. I think the State law provides for the taking over by the State of the property held by the local company.

Mr. BURKE of South Dakota. Does the gentleman know whether it does or not?

Mr. MORGAN. That is my understanding. That is what I have been informed.

Mr. BURKE of South Dakota. It is an unusual situation, it seems to me. I am not aware of any laws generally that would authorize militia companies to own and convey real estate as a company.

Mr. MORGAN. Well, it is the law there.

The SPEAKER pro tempore. The question is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONVICT-MADE GOODS IN INTERSTATE COMMERCE.

The next business was the bill (H. R. 5601) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor, or in any prison or reformatory.

The Clerk read the bill, as follows:

Be it enacted, etc., That all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether the committee in reporting this bill has taken into consideration the constitutional question involved as to how far Congress has the power, when goods pass from one State to another, remaining in original packages, to make those goods subject to the police laws of the State into which they go—a question that has been in controversy here for a great many years, and upon which very learned opinions have been given by many distinguished men, and upon which hearings have been held that would fill volumes?

Mr. HENSLEY. Mr. Speaker, I will say in answer to that question that the committee did not take up that question and consider it carefully and seriously, but as a member of the committee whose duty it was to prepare the report, I took the necessary time and pains to look over the law, and I will state to the gentleman from Illinois that I think there is no question along that line. I have one decision here that I read very carefully—the case of Gibbons *v.* Ogden (9 Wheat., 23).

Mr. MANN. That is a long time ago, and a great many of us have read that case. I doubt if there is a man in the House who has not.

Mr. HENSLEY. Yes; it is a long time ago, but if it was good, sound ruling at that time by Chief Justice Marshall it should be good now.

Mr. MANN. Yes, but it did not decide this question, or have anything to do with it, in my judgment. Is the gentleman familiar with the very elaborate opinion of the Senate Judiciary Committee on this subject, and the very elaborate hearings held by the House Committee on the Judiciary upon this subject, not as related to convict goods, but as related to the power of Con-

gress to establish the status of goods passing from one State to another remaining in the original packages, so as to make the police laws of the second State apply the moment the goods came across the boundary line?

Mr. HENSLEY. I will say in answer to the gentleman from Illinois, in my candid judgment, when the Federal authorities undertake to invade the province of a State it is very hard to prevent it, and on that proposition I have concluded that this law, if it passes Congress, will tend to strengthen the arm of the State, and it is beyond question a meritorious bill, and the State should have that authority——

Mr. MANN. Is the gentleman familiar with the decision of the Supreme Court of the United States on the law we passed with reference to the transportation of liquor from one State to another?

Mr. HENSLEY. I will confess I have not made an exhaustive research on all points that bear upon this question; I will confess that.

Mr. MANN. Of course the gentleman wants to pass a constitutional law on this subject. Some years ago Congress passed a law which was designed to do precisely what he is now seeking to do in reference to interstate shipments of liquor, and when that law came before the Supreme Court it was held unconstitutional, and that law was passed 20 years ago or more, and ever since that time, ever since I have been a Member of the House, I have watched the controversy raging around this proposition as how far Congress has the power to do this, and any bill that is passed ought to be passed in such a way it will have a valid effect.

Mr. HENSLEY. That is very true. Let me inquire of the gentleman from Illinois his opinion with reference to that proposition.

Mr. MANN. Well, I have given a good deal of study——

Mr. HENSLEY. I am satisfied of that.

Mr. MANN. To matters of interstate commerce, and I have never arrived at an opinion on that proposition.

Mr. HENSLEY. I will submit, then, it could hardly be expected in my short experience as a Member of this House that I should be able to give to the gentleman such information as will clarify this question and demonstrate the proposition in that regard.

Mr. MANN. I have no doubt there are ways of passing laws that will be effective, but it is desirable in preparing a bill to take those questions into consideration so that the bill that is passed and becomes a law will be of some effect.

Mr. HENSLEY. I will say to the gentleman we took that into consideration, and now when the gentleman from Illinois, after having made a careful study of this question for a period covering several years, is undecided with reference to whether the courts will sustain this law, then why not pass the matter up to the courts and let them pass upon its constitutionality?

Mr. MANN. That is always an easy thing to do. I have been a member of a committee for several years that has never reported a bill that passed the Congress and became a law that has not been sustained by the courts, and they have passed more bills than any other committee of this House here or the other House. They have always considered the constitutional question and never gone on the basis we do not know whether this bill is constitutional or not, but let us pass it and let the courts determine it. We endeavored to determine it for ourselves and tried to arrive at a constitutional bill and have always been successful so far.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to say for the information of the gentleman that the committee from which this bill comes took into consideration the question of whether it was constitutional, and the members of the committee satisfied themselves that it was constitutional. We believe that all power of government is lodged somewhere, either in the Federal Government or in the State governments, as the case may be, and that if the power proposed to be exercised has not been conveyed to the Federal Government it would then be in the respective States. The fact that this power can not be exercised by the respective States, and they have been unable to exercise it, we considered to be conclusive evidence that it must be lodged in the Federal Government and so we have sought to exercise that power through this bill.

Mr. MANN. I think it is very evident that my distinguished friend from Pennsylvania has not given this subject consideration from a constitutional viewpoint in view of the decisions of the court on the subject.

Mr. RAKER. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. RAKER. Is it not a fact this bill was before some committee at the last session of Congress and taken up and acted upon?

Mr. MANN. This bill has been before various committees. A bill like this has been before the Labor Committee, before the Committee on Interstate and Foreign Commerce, and, I think, has been before the Committee on the Judiciary and several other committees of the House, which for years, in connection with this proposition and in connection with the shipment-of-liquor proposition, have been endeavoring to find a constitutional bill which, when enacted, would be held valid.

Mr. RAKER. The question I am trying to present is this, that the same bill, identical in form to this one, is one that was before the former Congresses. I want to say to the gentleman from Illinois and to the gentleman representing the bill, that the best constitutional lawyers we have in my State have informed me that this bill in their view is constitutional. Not only that, but the people seem to be in favor of it. It is a bill that ought to pass.

The question ought to be determined, and if there is any doubt, instead of letting it be buffeted around from committee to committee year in and year out, let the Congress pass it, and let the constitutionality of it be determined by the courts if there is so much difference between the lawyers. I hope there will be no objection to the present consideration of this bill and that it will pass. It ought to become a law.

Mr. MANN. Suppose that I should propose a bill here to prohibit the transportation of red oranges from California into Nevada, if Nevada did not want them? Does the gentleman think that would be a constitutional question?

Mr. RAKER. That is not parallel.

Mr. MANN. That is exactly parallel. There is no distinction whatever.

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. RAKER. I want to answer the question as to the red oranges. Nobody would ever object to a California orange at any place.

Mr. MANN. That would depend on whether they have ever eaten Florida oranges or not. [Laughter.] If not, possibly they would take California oranges.

Mr. RAKER. Not on your life. [Laughter.]

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Will the gentleman from Illinois [Mr. MANN] yield to the gentleman from Massachusetts [Mr. MURRAY]?

Mr. MANN. I yield to the gentleman from Massachusetts.

Mr. MURRAY. I notice the gentleman from Illinois [Mr. MANN] has not said he believes this bill to be unconstitutional. May I ask him whether or not he believes it is unconstitutional?

Mr. MANN. I answered that question a moment ago.

Mr. MURRAY. You did not answer it any more than you are answering it now.

Mr. MANN. I answered the question a moment ago. The trouble with the gentleman is that he was not paying attention, as he should have done.

Mr. MURRAY. I think the RECORD will show that he said that in the Committee on Interstate and Foreign Commerce, when he was there, they never put things out and had their constitutionality determined afterwards. And in answer to the gentleman from Missouri he said he had given a great deal of study——

Mr. MANN. The gentleman need not, parrotlike, quote me——

Mr. MURRAY. Did you give an opinion as to the constitutionality of the bill?

Mr. MANN. I stated to the gentleman a while ago, and if the gentleman had been listening he would have heard me—although I am willing to repeat it again—I have never formed an opinion as to whether this provision was constitutional or not. The matter has not been a ripe, active question before the committee. It has been before the Judiciary Committee of both the House and the Senate. I know it is very easy for a lawyer of California to give a street opinion or for a lawyer of some other State to give a street opinion, that an act is constitutional or not constitutional. And yet the trouble is those gentlemen do not manage to get into the House or into the Senate, and then get on the Judiciary Committee, in order to determine the question, or do not usually manage to get on the bench, where they have a chance to determine those questions.

Mr. MURRAY. I find that we are in entire accord as to the value of the wisdom of some lawyer, but I would like to find out for my own information, and in all sincerity, because I respect the opinion of the gentleman from Illinois [Mr. MANN] on such propositions, whether his objections to this measure are because of unconstitutionality or because he is hiding behind the question of unconstitutionality.

Mr. MANN. Mr. Speaker, I am not like the gentleman from Massachusetts. I do not hide behind anything. I would not even hide behind the gentleman from Massachusetts.

Mr. MURRAY. You would not if the gentleman from Massachusetts could keep out of the way.

Mr. MANN. It would be impossible either physically or mentally to hide behind him.

Mr. MURRAY. I agree as to both propositions, Mr. Speaker, and I simply want to say that I never knew the gentleman to hide before, and I never knew him on any previous occasion during the limited time that I have been in the House to use the tactics that he seems to be trying to use on this particular bill.

Mr. MANN. I am calling the attention of the House to a serious proposition. Possibly it does not seem so to my friend from Massachusetts [Mr. MURRAY]. He disposes of constitutional questions like a boy does with dust. It is easy for him to settle a constitutional question, picking it up in one hand and tossing it into the air and catching it again in the other hand without the least trouble——

Mr. MURRAY. May I suggest, Mr. Speaker——

Mr. MANN. But it is not easy for Members of Congress to decide these questions in that way. The Committee on the Judiciary has this question pending before it now, and other committees have had it pending before them.

Mr. HENSLEY. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HENSLEY] has the floor.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Missouri yield to the gentleman from Mississippi?

Mr. HENSLEY. Just in one moment; then I will yield to the gentleman. I want to say to the gentleman from Illinois [Mr. MANN] that I am aware that his question was not propounded with any degree of frivolity, or anything of that sort. It is important that this matter should be discussed. I was interested in finding out whether or not he had come to a conclusion as to the constitutionality of this proposed law. The reason I asked that question was because I believed that if the gentleman had given such study to this question as I have observed he usually does, he could give us an opinion.

Mr. MANN. If the gentleman will pardon me, I would say that I have read the reports of the Senate Committee on the Judiciary——

Mr. HENSLEY. I say this not in a spirit of criticism at all——

Mr. MANN. And the statements of different members of the committee, both their expressions when the bill was reported in the Senate and their expressions in speeches in reference to this matter in the Senate, where it has received more consideration than it has received in the House. I have also read the hearings in the House, and have read therein the statements of eminent gentlemen appearing before the House Committee on the Judiciary and the opinions interlarded through the hearings of members of the House Committee on the Judiciary. It may be easy for some gentlemen to determine constitutional questions like this, but——

Mr. HENSLEY. I am not complaining as to the attitude of the gentleman——

Mr. MANN. But I have never had occasion to attempt to determine it, either in committee or otherwise.

Mr. HENSLEY. That is satisfactory.

Mr. MANN. If the gentleman's committee took this into consideration, that is all right. That is the question I asked—whether they had reported this bill after studying the constitutional questions.

If I had my way about it I would not let convict-made goods be sold anywhere in competition with free-made goods, but this question goes far beyond the mere transportation of convict-made goods, because if you have the power under the Constitution to declare that one kind of goods shall be subject to one set of laws in one State and subject to another set of laws in another State, and subject to still another set of laws in another State, the moment you cross the boundary line, you have the power under the Constitution also to say that about any kind of commerce that is in existence or can be produced in the United States and the transportation of any goods. Supposing the gentleman's State of Missouri should pass a law declaring that red apples should not be used in commerce in his State. Would Congress have the power then to subject red apples to the application of that law?

Mr. HENSLEY. When it reached the State of Missouri?

Mr. MANN. The moment it passed the boundary line.

Mr. HENSLEY. The moment it reached the State of Missouri——

Mr. MANN. The moment it got beyond the boundary line in the original package, in the car.

Mr. HENSLEY. I have not a doubt as to that.

Mr. MANN. If the gentleman will examine the opinions on the subject he will have some doubt on the subject, I would say, at least.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HENSLEY. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. I ask——

Mr. ANDERSON of Minnesota. Mr. Speaker, who has the floor?

Mr. HENSLEY. I yielded to the gentleman from Mississippi [Mr. HUMPHREYS], who wanted to ask a question, as I understand it. [Cries of "Regular order!"]

Mr. ANDERSON of Minnesota. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HENSLEY] has the floor.

Mr. ANDERSON of Minnesota. Mr. Speaker, I object to the consideration of the bill. I think this debate has gone on far enough to show that the bill is too important to be considered under this calendar.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. ANDERSON] objects.

STEAMER "SALT LAKE CITY."

The next business on the Calendar for Unanimous Consent was the bill (S. 4728) to authorize the change of name of the steamer *Salt Lake City*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application of the owner, the Continental Steamship Co., of Duluth, Minn., to change the name of the steamer Salt Lake City, official No. 204526.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

LANDS OF CREEK INDIANS IN ALABAMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

The bill was read, as follows:

Be it enacted, etc., That the United States of America hereby forever relinquish, release, remise, and quitclaim all right, title, and interest in and to all the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, or any member or members thereof, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians at Washington on the 24th day of March, 1832, by which all the lands of the said Creek Tribe or Nation of Indians lying east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether the conditions of such reservation or sales were complied with or not and whether or not patents were issued therefor by the United States of America.

The purpose and intent of this act is to estop the United States of America from now or hereafter asserting any claim whatever to the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved or set apart under the said treaty to or for the Creek Tribe or Nation of Indians, or any member or members thereof, in any manner or upon any condition whatever, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit or on behalf of any Creek Indian or Indians, whether patents were issued therefor or not.

With the following committee amendment:

Insert at the end of the bill the following:

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

"That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to hear a statement from the gentleman in charge of the bill.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Alabama?

Mr. MONDELL. Certainly.

Mr. CLAYTON. Mr. Speaker, what statement is it that the gentleman would like to have made?

Mr. MONDELL. This is a highly important piece of legislation. It refers to the title to many tracts of land, and I think the House is entitled to an explanation.

Mr. CLAYTON. Then, Mr. Speaker, I think I apprehend what the gentleman desires, but I pay the gentleman the compliment—and I do it sincerely—of saying I believe that the gentleman who has propounded the question to me understands this matter perhaps better than I do, for he is a distinguished member of the Committee on the Public Lands; he has had long service here, and he has recently given patient and extensive hearings to different people who have spoken on this subject before his committee.

I want to say, Mr. Speaker, that my colleagues from Alabama and myself are indebted to the gentleman from Wyoming [Mr. MONDELL] for some valuable suggestions made by him during the course of the hearings before the committee on this particular bill.

By the first section of the treaty of 1832 concluded between the United States and those Indians described as the Creek Nation or tribe of Indians all lands belonging to the Creek Indians east of the Mississippi River were ceded by them to the United States. Under further provisions of that act the chiefs of that tribe were permitted to select a section of land each for reservation. The heads of families were permitted to select each a half section of land, and then certain sections were reserved for the benefit of the orphans.

This treaty was concluded in 1832. The fact that the Indians had ceded the title to the land was recognized by the act of Congress of March 3, 1837. Then, in 1856, by treaty, it was agreed that the reservations made for the benefit of the Indians should, on certain conditions, be sold, and it was further provided that all of these reservations remaining unsold should be sold by the United States for the benefit of the Indians.

So by treaty and by legislation the Creek Indians have been divested of all title to these lands, which have long since passed into the possession of bona fide and innocent holders.

They embrace something over 990 tracts of land, containing between 2,000,000 and 3,000,000 acres. For 990 of these tracts of land the Secretary of the Interior has said there is no doubt that patents ought to issue. These people and their predecessors in chain of title have been for 70 years, and in some cases longer, in undisturbed possession, without any patents, and have never dreamed that there was any defect in their title until recently, and many of them do not now know of this defect in their title. They have held these lands with the knowledge of the Interior Department, with the knowledge of the Department of Justice, with the knowledge of the Indians, with the knowledge of the whole world all these years.

Mr. COOPER. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. CLAYTON. Certainly.

Mr. COOPER. I observe that the Government has brought suit.

Mr. CLAYTON. I was coming to that.

Mr. COOPER. How came the Government to bring that suit?

Mr. CLAYTON. Mr. Speaker, I say that these people have been in the undisturbed, notorious, bona fide, adverse possession of these lands under color of title for 70 years. Several years ago a former district attorney down in Alabama discovered that patents in these cases had never been issued by the United States to the original purchasers, although the sales were made and possession was taken under these sales, and occupancy has continued ever since.

But he discovered that the title not having been issued in the form of a patent from the United States, there was that technical inherent defect in the original title. He also knew, as we all know, that the statute of limitations in Alabama that runs against everybody could not run against the Government of the United States. The technical title was and is vested in the United States. It may be that the United States had title without the treaty of 1832, but with the treaty of 1832 the United States certainly had it. In these cases these people who own and occupy the lands and their predecessors in such ownership and occupancy have never asked for the patents.

Mr. MANN. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MANN. Is it not a fact that these people, or the ones through whom they derived title, did pay for these lands either the Government or the Indians?

Mr. CLAYTON. Undoubtedly, and here is the report from the department transmitted to me showing that these lands have been paid for, as the gentleman has said, and that there is no objection now to the issuing of these patents. When that question was suggested that a patent had not been issued in this case the Secretary of the Interior, in 1907, Mr. Garfield, called the attention of Congress to the matter. These lands had not been listed on the books of the Interior Department or left open to public entry or for sale by the Government of the United States. The Government has not asserted any claim to them, but the Secretary of the Interior suggested that some legislation ought to be had to clear this matter up.

Still nothing was done until a few months ago the present district attorney in the middle district of Alabama instituted an action of ejectment for the recovery of one of these tracts of land. Then it was made manifest that if it became the policy of the Department of Justice, in cooperation with the Department of the Interior, to institute actions for the recovery of these lands it would be necessary for Congress to afford this relief.

Now, in these cases which are in the list, 990 cases, patents can issue now, but you will have to make certain proofs, and in many of the counties the records of the purchasers showing that they bought these lands have been destroyed, and they can not trace the chain of title back to the original vendor, whether Indian or the United States, at public sale as provided for in the act of Congress.

Mr. MANN. Will the gentleman yield?

Mr. CLAYTON. With pleasure.

Mr. MANN. Is it not a fact that in 1838, shortly following the transfer of these lands by the Indians to the purchasers, Congress passed an act authorizing patents to issue to bona fide transferees of the reservation, provided they would adduce satisfactory proof to the commissioner of the foreclosure or of the transfer, which, of course, could not be complied with now?

Mr. CLAYTON. Yes; but it is not possible now in many cases for these bona fide transferees to furnish the proof required by the act of Congress three-quarters of a century ago.

Mr. MANN. And at that time it was not complied with, because people thought that a patent was not necessary and there was no use in going to the expense of it.

Mr. CLAYTON. Yes; and these good people have been living there and cultivating these lands and exercising all the rights of ownership over them for 70 years or more. In the hearings before the committee in 990 cases the representative of the Indians, the Commissioner of Indian Affairs, and the representative of the Interior Department said there could be no objection to this legislation.

My attention has been called to the fact that several years ago Congress passed a bill similar to this. This part of the amendment suggested by the committee is taken from that bill. The lands in that case were not Creek Indian lands. The following is the language and the part of the amendment which I have just referred to:

> The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

This bill is in the nature of a bill to quiet title. We can not interpose a bill of equity against the United States to quiet title. The only remedy we have is to appeal to Congress for this act.

Mr. LITTLEPAGE. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. LITTLEPAGE. I would like to inquire if these various persons who are in possession of these lands are there under a deed or color of title, and whether or not they have kept the taxes paid up?

Mr. CLAYTON. Undoubtedly. They have been in possession of these lands for all these years, paying taxes—State, county, and every other sort of tax that could be demanded upon land. This land has never been treated in all these years as a part of the public domain. I can say, furthermore, that in Alabama the title of the owners would be perfect but for this technical title on the part of the United States, because our statute of limitations is to the effect that if a man has been in adverse possession of land for 10 years under color of title he thereby acquires a good title.

Mr. LITTLEPAGE. Are the lands held by individuals or corporations?

Mr. CLAYTON. By individuals; and in some cases, I am told, some of our municipalities have been built upon them, and churches and schools have been built upon them.

Mr. CANNON. Who would be the grantees in these patents?

Mr. CLAYTON. There is no specific grantee named.

Mr. MANN. There is no patent in this bill.

Mr. CLAYTON. There is no patent in this bill. It is simply to relinquish all claim of the Government of the United States.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MONDELL. If he has concluded his statement, I should like to make one myself.

Mr. CLAYTON. I have not concluded any statement. I was simply endeavoring to answer what the gentleman himself had said.

Mr. MONDELL. I should like to make a brief statement myself.

Mr. CLAYTON. Surely. I yield the gentleman all the time he desires.

Mr. MONDELL. Mr. Speaker, whatever I had in mind when I reserved the right to object, I could not have it in my heart now to offer any serious objection to this legislation after the compliment paid me by the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. A deserved one, however. [Applause.]

Mr. MONDELL. That makes it still more binding. I want to say, Mr. Speaker, however, that while this bill was unanimously reported from the committee of which I am a member, I did reserve the right to object, not to what it is proposed to accomplish, but to the form in which the bill accomplishes the relinquishment of Federal title. I am rather surprised and somewhat gratified that the gentleman from Illinois [Mr. MANN] for the first time, so far as I can recollect, in all of his very valuable service here has not called attention or objected to the fact that the reports and recommendations of the department of the Government called upon to report are not contained in the report of the committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I fear this was an oversight on his part. I shall be very glad to yield to the gentleman from Illinois.

Mr. MANN. Finding there was no such report from the department in the committee of the House, I went and got a copy of the report of the department made to a committee of the Senate upon a similar bill.

Mr. MONDELL. I felt confident that the gentleman would insist on having a report from the department on the matter before it was considered, and what surprises me is that he does not now insist that Congress shall follow the recommendation of the department.

Mr. MANN. I will say that I do not insist that Congress shall follow the recommendation of the department.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER. I would like to have the gentleman from Illinois tell wherein this bill now before the House does not agree with the recommendations of the Department of the Interior.

Mr. MANN. Oh, it agrees, so far as the substance is concerned.

Mr. MONDELL. Mr. Speaker, this might have been a very simple matter, and I will not detain the House long. There are nearly a thousand tracts of land affected by this legislation. As to all of those tracts, with the exception of about 20, I think the department has all of the evidence required by the original law and it would not require any legislation at all; it has not required any legislation to have patent issued to these tracts. The department, in my opinion, has always had full authority to issue these patents, with the exception of, perhaps, 20 cases, where they are not fully convinced as to the evidence of the payment of a valuable consideration. If legislation were necessary, all that would have been required would be to introduce a bill of three or four lines instructing the Secretary of the Interior to proceed forthwith to issue patents in conformity with the original legislation.

That would have given the claimants a clear record title. Now, of course, I do not know how they view these things in Alabama. They are not as familiar with Government patents there perhaps as we are in the West, but if these tracts were in my State or anywhere in the western country the people would insist on having a patent issued.

Mr. COOPER. Will the gentleman permit a question right there?

Mr. MONDELL. I will be glad to do so.

Mr. COOPER. I observe in the bill suggested by the Interior Department there is this proviso. I have just read it; never saw it before until the gentleman from Illinois presented it to me:

Provided, That nothing herein contained shall be held to affect the title of the original Indian owners or their heirs.

Mr. CLAYTON. They ceded what title they had in these lands.

Mr. COOPER. Then, why did the Interior Department insert that proviso in their bill?

Mr. CLAYTON. I have no objection to that, but it is wholly unnecessary. The land was ceded away by the Indians.

Mr. COOPER. It evidently meant something.

Mr. CLAYTON. I think some law clerk somewhere suggested that.

Mr. MANN. Will the gentleman allow me, in reply to the suggestion made by the gentleman from Wisconsin?

Mr. CLAYTON. Certainly.

Mr. MANN. This bill does not purport to convey title; it only purports to release title of the United States to the grant.

Mr. CLAYTON. That is all.

Mr. MANN. The other form of the bill was providing for a conveyance of patent. If that were done, it proposed to reserve the rights of the Indians; but this does not affect any of the rights of the Indians——

Mr. MONDELL. Let me say further——

Mr. COOPER. One moment, if the gentleman will permit. I notice that the last clause of the amendment suggested by the committee, page 3, is as follows:

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. CLAYTON. I will explain that to the gentleman, if I may.

Mr. COOPER. Does not that relate to issuing a patent?

Mr. CLAYTON. No; it is to take them off the books, and is what is called closing the case. That is the language of the General Land Office. And I will say, if I may be permitted to do so, that the suggestion was made by an official in the Land Office, in his statement before the Public Lands Committee of the House, that the language quoted by the gentleman from Wisconsin be made a part of the bill.

Mr. MONDELL. Now, Mr. Speaker, if the Secretary of the Interior had it in mind that the suggestion referred to by the gentleman from Wisconsin was at all important it could only be true in regard to about 20 cases out of a thousand.

Mr. CLAYTON. Fourteen, to be accurate.

Mr. MONDELL. Fourteen out of nearly a thousand. All the other cases are made up and are in proper form for patent now.

Mr. COOPER. Let me ask the gentleman——

Mr. MONDELL. And what I can not understand is why they have not heretofore patented those tracts.

Mr. COOPER. They can not.

Mr. MONDELL. They can patent them; there has never been a moment of time since the passage of that act after the cases were made up that they could not have been patented.

Mr. MANN. It would require an affidavit or other evidence showing that the transfer was made in good faith upon a fair consideration in the first place.

Mr. MONDELL. They have affidavits for all but 14 cases now.

Mr. COOPER. Is there any danger by this legislation that an injustice will be done to anybody in those 14 cases?

Mr. MONDELL. I do not think there is the slightest possibility of anything of the kind occurring, and the only objection to the legislation is that it does not give the people in Alabama the kind of title I think they ought to have, although it gives them a title the gentleman from Alabama thinks is all sufficient, but I am perfectly willing——

Mr. CLAYTON. Will the gentleman, right in that connection, let me say why we think it is sufficient?

Mr. MONDELL. The gentleman did explain. I simply want to make my statement, and I will be through in a moment.

Mr. CLAYTON. I beg the gentleman's pardon.

Mr. MONDELL. I defer to the opinion of the chairman of the Judiciary Committee, and, while as a layman, I claim no such knowledge of the law as he has, in my humble opinion the people in Alabama will not, in all cases, find the kind of title which this bill gives them entirely satisfactory. I fear it will lead to litigation. The gentleman from Alabama [Mr. CLAYTON] thinks it will not. But I object to it because it departs from the uniform practice under our land laws of the issuance of a patent to the original purchaser from the Government, in order that there may be a clear title of record. The last provision, which was referred to by the gentleman from Wisconsin [Mr. COOPER], is simply a provision for clearing these cases from the record, and, of course, it is necessary because without that sort of a provision the cases might remain on the records of the department indefinitely as though they had not been closed. So there is no objection to the intent of the legislation, but I think there is reasonable ground for objection to the form of the legislation. But, as it applies to the State of Alabama, if the gentleman is satisfied with it I am satisfied with it, and, Mr. Speaker, I have no objection to the passage of the bill. I do desire to make it clear, however, that as a member of the committee which reported the bill I think the form is faulty, that it should provide for the issuance of patents and not for a quitclaim on the part of the Government.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. DENT. Mr. Speaker, this bill comes from the Committee on the Public Lands, I may say, with a unanimous report. It relates solely to lands situated within the State of Alabama, and the purpose of the bill is simply to quiet the title to these lands in so far as the United States is concerned. It does not attempt to convey any title to anyone, but simply releases whatever *title the* United States may have. Undoubtedly, under the treaty of March 24, 1832, together with the act of March 3, 1837, and the treaty of 1856, these lands were ceded and relinquished by the Creek Nation, or tribe, of Indians to the United States. But, whether this be true or not, this act of relinquishment by the Government of the United States could not in anywise affect any title, if there be such, remaining in the Indians. There are, as I am informed, about 300,000 acres of land involved. The Government of the United States has only a bare legal title to the land by reason of the failure of the original bone fide purchasers of it to apply for and obtain patents. The land has been occupied for many years in good faith, and the purchase price is shown to have been paid by the original purchasers. These purchases occurred somewhere in the neighborhood of 70 years ago, and during all these years the land has been, for the most part, in the open and notorious possession of different citizens of Alabama, who never dreamed that there remained any technical legal title in the United States. During these years taxes have been paid upon the same and they have not been treated as subject to homestead entry nor at any time as part of the public domain.

Of the 990 cases for which no patents have been issued, representatives of the Indian Office inform the Public Lands Committee that in all cases, except perhaps 14, patents could now issue but for the act of March 3, 1837, requiring proof of the bona fides of the different transfers and assignments, which would be an impossibility, at least in many cases, after the lapse of so long a period of time.

It has been suggested that instead of the bill recommended by the committee Congress should adopt an act requiring the Commissioner of the Land Office to issue patents to the original purchasers in all cases where the records show the bona fides of the purchase and payment of the purchase money. My colleagues from Alabama, Mr. CLAYTON, Mr. HEFLIN, Mr. BLACKMON, and I, after thoroughly going over the matter, have decided that there are several objections to this form of legislation.

In the first place, it would not take care of the 14 cases mentioned by the Indian Office the records of which do not seem clear, and even if there were fraud in those 14 cases, it is respectfully submitted that after so long a period it is now too late to question it. In most of the States it is the declared statutory policy to limit actions to a reasonable period even after the discovery of fraud.

Another objection to this suggestion is that in a number of cases in this territory the courthouses have been burned and the records destroyed. It would be impossible, in these cases at least, for the present claimants to trace the title back to the original purchasers. This legislation, then, might bring on litigation between individuals of an annoying and long-drawn-out nature.

It will be observed that the committee proposes an amendment whereby it is declared that the Government's title is abandoned in favor of those persons, estates, firms, or corporations who would be the lawful owners of said lands under the laws of Alabama, including the laws of prescription. This amendment, it is thought, meets any possible objection, if there be such, that the bill as originally framed specified no grantee or beneficiary.

Upon the lands involved there are farms and farmhouses, doubtless churches and schools; and in some instances towns have been built upon the same many years ago. The Government would not in the end gain anything by a proceeding to recover this property, and, on the contrary, many honest and innocent occupiers of the land after many years of cultivation and the expenditure of much labor and means in placing valuable improvements thereon would suffer many hardships and great loss.

I therefore respectfully urge that this bill receive favorable consideration, and trust that the same will pass as reported from the Committee on the Public Lands.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CLAYTON. Mr. Speaker, I move to amend the bill, on page 3, line 4, by striking out the word "Cheek" and inserting in lieu thereof the word "Creek." It is evidently a misprint.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 4, strike out the word "Cheek" and insert in lieu thereof the word "Creek."

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama [Mr. CLAYTON].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, so that I may have printed hereafter parts of the hearings before the Public Lands Committee. I also ask that the acting chairman of the Public Lands Committee [Mr. FERRIS] be given the privilege of extending his remarks in connection with this bill.

Mr. MANN. Mr. Speaker, I would like the same request made for me.

Mr. CLAYTON. And I prefer the same request as to the gentleman from Illinois. And I will also include in the request my colleagues, Mr. DENT, Mr. HEFLIN, and Mr. BLACKMON, and also the gentleman from Massachusetts [Mr. ROBERTS].

The SPEAKER. Is there objection?

Mr. AKIN of New York. Mr. Speaker, I wish to inquire if the remarks of the gentleman from Illinois [Mr. MANN] will be strictly in regard to this matter?

The SPEAKER. The Chair did not understand the gentleman.

Mr. AKIN of New York. I wish to inquire if the speech of the gentleman from Illinois [Mr. MANN], which he will put in the RECORD, will be absolutely on this particular question that they have been talking about here?

The SPEAKER. The remarks must be confined to this question.

Mr. MANN. This is a very broad question, of course, refering to a public policy of the United States.

Mr. AKIN of New York. Of course it is broad if the gentleman from Illinois has anything to do with it.

The SPEAKER. Is there objection?

Mr. AKIN of New York. No; there is no objection. [Laughter.]

The SPEAKER. The Chair hears no objection.

The Chair will ask the House for its attention for just a moment. The bill just passed was the last bill on the Unanimous Consent Calendar which, in the judgment of the Chair, was put on that calendar in time. We might as well have a ruling about it, and if the House does not like the ruling, they can appeal from it. The rule provides that the notification shall be three days in advance of these bills going on the calendar. The other bills were put on on March 1, but Sunday intervened; and when the Chair takes into consideration the intention of this three days' notice, it seems to the Chair that Sunday ought to be counted dies non, and that, therefore, these other bills have not had sufficient time. The Chair will state that that is going to be the ruling of the Chair all the time until it is overruled, and if any gentleman does not like the ruling he can appeal from it.

INAUGURATION DAY.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I arose to speak on the proposition before the House a while ago, and I addressed the Chair before he passed on to other business, but the Chair did not hear me.

The SPEAKER. Which proposition is it?

Mr. MOORE of Pennsylvania. A proposition, Mr. Speaker, that is vital not only to this House and to the present occupant of the chair, but also to the country. It may be that the present Speaker will not always occupy the place which he holds now. It may be, too, that our friends from the great Commonwealth of Missouri, who have been complaining recently about "their dog having been kicked around when he comes to town," may find that upon the 4th of March next there will be weather conditions as inclement as they are to-day and as they were

three years ago in the city of Washington. I rise, therefore, Mr. Speaker, for the purpose of calling attention to this particular 4th of March, which is about as disagreeable as the other was, and to read an announcement that was made this morning in the Washington Herald, calling the attention of Congress and of the country to the facts. We had "a flareback" in this city three years ago, and at every inauguration held on the 4th of March——

Mr. FITZGERALD rose.

The SPEAKER. The gentleman from Pennsylvania——

Mr. MOORE of Pennsylvania. Pardon me one moment, Mr. Speaker; every inauguration has been one that affected not only the health but the lives of the people who have come here from all parts of the country. I desire, Mr. Speaker, without trespassing upon the privileges of the House, or in any way trenching upon the special privilege of my friend from New York [Mr. FITZGERALD], to read this 4th of March reminder and to emphasize the public service rendered by the announcement of the Washington Herald:

A 4TH OF MARCH REMINDER.

With yesterday bleak and cold, and with snow falling early this morning, the Washington Herald begs to remind Congress that one year from to-day a President of the United States will be inaugurated, and that the date of inauguration day has not yet been changed.

The SPEAKER. Of course the gentleman is proceeding under unanimous consent.

Mr. RAKER. Mr. Speaker, what is the matter to-day with the gentleman? [Laughter.]

The SPEAKER. The Chair can not answer that.

Mr. MOORE of Pennsylvania. I think we are in the condition to-day that we may be one year hence. That is why I think the country ought to have its attention drawn to the conditions which prevail at the Capital to-day. We shall inaugurate a President of the United States one year hence.

Mr. FITZGERALD. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. MOORE of Pennsylvania. My friend from Texas [Mr. HENRY] has introduced a joint resolution (No. 204) which proposes to change the date of the inauguration, and I think he is vindicated by the day.

Mr. FITZGERALD. Does not the gentleman from Pennsylvania think that as a Republican he is unduly concerned about the character of the weather one year hence in the city of Washington? [Laughter.]

Mr. MOORE of Pennsylvania. No, sir; I do not think so. It is important to this country that if the Speaker is to be promoted from his present position to the Presidency his health and life shall be preserved a year hence. It may be that the present Speaker will not be called upon to perform that service, and it may be that the present incumbent in the White House will be retained in his present position. But my contention is that the weather to-day is about as bad as it was three years ago, and that the date of the inauguration ought to be changed.

Let me emphasize the inclement conditions now prevailing, so that the country may understand the necessity for changing the date, which means so much to the health of the people who come here from all the States to witness the inauguration of a President. [Applause.]

Mr. FLOYD of Arkansas. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas [Mr. FLOYD] demands the regular order.

Mr. TALBOTT of Maryland. Mr. Speaker——

The SPEAKER. The gentleman from Maryland is recognized.

COMMISSION OF ENSIGN TO MIDSHIPMEN UPON GRADUATION.

Mr. TALBOTT of Maryland. Mr. Speaker, I move to discharge the Committee on Naval Affairs from the present consideration of Senate bill 3211, authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy, and to suspend the rules and pass the bill.

Mr. MANN. What is the number of the bill?

Mr. TALBOTT of Maryland. Senate bill 3211.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy.

Be it enacted, etc., That the course at the Naval Academy shall be four years, and midshipmen on graduation shall be commissioned ensigns: *Provided*, That midshipmen now performing two years' service at sea in accordance with existing law shall be commissioned forthwith as ensigns from the date of the passage of this act: *And provided*, That those midshipmen of the class which was graduated in 1909, who have completed two years' service afloat, and who are due for promotion, shall be commissioned ensigns to take rank with the other members of their class, according to their standing as determined by their final multiples, respectively, for the six years' course, from the 5th day of June, 1911, the date of rank to which they were entitled prior to the passage of this act: *And provided further*, That no back pay or allowances shall result by reason of the passage of this act.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. TALBOTT of Maryland. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. TALBOTT of Maryland. I yield five minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Speaker, I desire to make a brief statement in connection with this bill that is now before the House.

The provisions of the bill are, in short, that the graduates of the Naval Academy may be given their commissions on graduation, instead of being compelled to wait two years for them, as is now the law. The making of this change will bring the practice to conform with the practice at West Point, where the graduates of the military school are commissioned as second lieutenants upon completing the four years' course.

This legislation has been recommended by four successive Boards of Visitors to the Naval Academy, by the Superintendent of the Naval Academy, by the Secretary of the Navy, and the Assistant Secretaries of the Navy, and by the unanimous report of your Naval Committee.

The average age of the youth who graduates at the Naval Academy is 22 years, many of them being older.

The course of study and development prescribed at the Naval Academy is not an easy one. Those young men who have passed successfully there year after year and are finally recommended for graduation have come up to that point by a process of elimination and selection. Mental, physical, and moral delinquencies cause many to be dropped from year to year, and those who finally graduate are only those who have overcome all the difficulties and tests of the prescribed four years' course. They are, therefore, of an age and have acquired a sense of responsibility which entitles them at once to be made ensigns, the lowest commissioned rank. Their present status for two years after graduation is not an enviable one. They are in a very doubtful position. They are called upon to perform the duties of ensigns, and yet do not have the privileges of retirement if disabled in the line of duty which are accorded to commissioned officers.

Again, it is recognized that the scholastic course at Annapolis, as well as the entrance examination at that school, are fully as difficult, if not more so, than those at West Point. The Navy Department informs us that many young men fail mentally at Annapolis and are obliged to leave the academy who are often appointed to West Point and enter the class there of the same grade. It often happens—I use the word "often" advisedly—in many cases that young men who are not able to keep up with their classes at Annapolis are afterwards appointed to West Point and are able to finish the prescribed course and graduate at the same date that they would have graduated had they been permitted to remain at Annapolis.

The SPEAKER. The time of the gentleman has expired.

Mr. BATES. I ask three minutes more.

Mr. TALBOTT of Maryland. I yield the gentleman three minutes more.

Mr. BATES. Those young men who are transferred to West Point are enabled to graduate there and receive commissions two years in advance of the class which they left at Annapolis, and with which class they were unable to keep up. It seems to me, Mr. Chairman, that these cases here each present an argument in favor of equality being established and maintained between the two schools; that the finishing of a four years' course entitles them not only to graduation but to a commission.

The second proviso is intended merely to cover a temporary condition at present existing by reason of the fact that some of the members of the class of 1909 at the Naval Academy which finished their six years' course on June 4, 1911, have already been regularly commissioned ensigns to rank from June 5, 1911, while the commissioning of the remaining members of that class has been delayed pending the determination of their qualification for commission.

I introduced a similar bill which passed this House two years ago. This bill has passed the Senate and has been substituted for the House bill and recommended unanimously by the Naval Committee.

I believe it is an act of justice and highly desirable from every point of view that this bill be enacted into law. It will be

an encouragement and an additional recognition. The young men who graduate at Annapolis feel that the country recognizes their services as being at once as valuable as the graduates at West Point, and that they are entitled at once to have the benefits and privileges as well as the duties of the junior commissioned officers in the Navy of the United States. [Applause.]

Mr. MANN. Mr. Speaker, the Army and the Navy are special favorites of the Government and, like a good many other special favorites, are spoiled children. There is nothing that they can think of that they want that they do not ask for, and they cry like spoiled children if they do not get all of their requests granted.

We now take a young boy and put him at Annapolis, attempting to give him a training, a classical, mathematical, linguistic, scientific education, as well as an education relating to the investigation and control of vessels, firing of guns, and everything else that pertains to the Navy, in four years. We consider ourselves very fortunate in private life if we can take four years at college, study some of the rudiments for a professional career, and then spend two or four years in another college studying professional requirements. But we do all this now, according to the gentleman, in four years at Annapolis, and do not require the two extra years now required for technical professional training.

Now, the course is four years in the academic college at Annapolis, two years in professional training on board vessels before they are entitled to a commission. A boy goes to Annapolis at the age of 16, comes out now under this bill at the age of 20 commissioned as an officer, supposed to have a training and education that will carry him over the world in languages, carry him from the bottom of the sea to the height of the heavens in science, and provide him with the proper knowledge for navigation and battle, if battle occurs. I would extend this scholastic year instead of shortening it at Annapolis or West Point. Four years' training is not enough; six years' training is not enough.

Mr. BATES. Will the gentleman yield?

Mr. MANN. I will.

Mr. BATES. Is the gentleman not aware that while a boy may be admitted at the age of 16 there are very few indeed who enter at that age; that the average age, as stated by the Secretary of the Navy, is 18 years, and the average age at graduation is 22 years, and that possible one-third of the class are over 22 years of age? More than that, there has never been a petition or suggestion made to the department from an undergraduate or the boys who are affected; it has come from the authorities of the school and the Navy Department.

Mr. MANN. What does the gentleman mean by "petition" in reference to this matter?

Mr. BATES. The gentleman began his remarks by stating that these young men were spoiled children, asking for more. As far as I am concerned, and this bill was introduced by me in the House two years ago, passed unanimously, introduced again this year, and has passed the Senate in a similar form, and now the Senate bill is substituted for the House bill—I say as far as I am concerned there has never been a suggestion come from the young men on this subject.

Mr. MANN. I did not make the statement about the young men that the gentleman states. I said the Army and Navy were the special favorites. Nor is the other part of the gentleman's statement any more correct. This bill would not have the slightest show of consideration, much less passage, if Members of Congress did not appoint the midshipmen at Annapolis.

I am like the rest of you. What is the use of telling me that these boys have never made a request or paid any attention to this. I know better. I have had lots of Members tell me that their midshipman ought to receive a commission. They do not have the education. Instead of shortening the term of six years to four years, it would be better to lengthen it from six years to eight years. I am proud of the Navy, and it is not to be criticized for our lack of judgment in educating officers, but today it does not begin to have as good navigators as can be found in the private merchant marine or the other vessels of the Government, and why? Because these boys do not have a chance. They are required, theoretically, to know everything, including the management of ships, the firing of guns, knowledge of the engine room, of all the electrical machinery, and everything else of which you can conceive they are, theoretically, supposed to know; and we expect them to find it out there during their course of training or at our expense or their expense later on. The gentleman endeavors to reflect purposely, I think, upon West Point. I do not hold any brief for West Point, but I venture to say that the gentleman can not produce an instance where a boy has been dismissed from Annapolis because he did not come up to the scholastic requirements and then went to West Point and graduated within the same time that he would have graduated at Annapolis.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. MANN. Oh, I yield for a question or for a very short statement.

Mr. BATES. I desired in my remarks to make no invidious comparisons or distinctions between West Point and Annapolis.

Mr. MANN. But the gentleman did.

Mr. BATES. I beg to state for the benefit of the gentleman that Members of Congress appoint boys to West Point just as much as they do to Annapolis.

Mr. MANN. Oh, I did not need that information. I knew that before the gentleman came to the House.

Mr. BATES. And I beg also to inform the gentleman that the Assistant Secretary of the Navy personally informed me that, in his personal knowledge, many young men who failed at Annapolis were graduated at West Point and obtained their commissions two years in advance of their fellows with whom they were unable to keep up at Annapolis.

Mr. MANN. And I venture to say that whoever so informed the gentleman gave him misinformation, and that not a single instance of that can be produced, much less many instances in which boys left Annapolis because they could not meet the scholastic requirements and then went to West Point and graduated at the same time they would have graduated had they met the requirements and remained at Annapolis.

Mr. SLAYDEN. And I want to suggest that it is impossible for that to happen, unless they have extended the period at the Naval Academy.

Mr. MANN. That is the reason I make the statement. I know it is impossible.

Mr. BATES. How is it impossible?

Mr. MANN. Oh, I am not going to argue that question. I will guarantee the gentleman can not find a case.

I am tired of hearing the Navy Department or some official of the Navy Department endeavoring to pass a bill by berating and criticizing and unjustly condemning the sister department in the military defense of the Government. We have all the time some proposition coming up to help these gentlemen in some way. I do not blame them. As I say, they are spoiled children in reference to it; but why should we not require the boy that gets through Annapolis taking a scholastic training of four years—on the average entering Annapolis younger than they do at West Point—why should we not require that they take a technical training for two years?

If we wanted to make lawyers of these boys we would make them take three years. If we wanted to make doctors of them in my State we would require them to take a technical professional course of four years after going through college. Yet you assume when you graduate these boys from Annapolis that the moment they come out they are prepared to take command of war vessels. I think they ought to take a training on those vessels for two years. They are not without money during that time. It is true that if accident or disease happens to them during that period they are not entitled to be placed upon the retired list; but that is true of millions of their fellow countrymen. Few in the country are able to go on a retired list for life if some accident or some disease overtakes them just as they come out of college. I can see no reason for changing what has been the policy of the country for many years, if not ever since Annapolis was established, of requiring these midshipmen to take their training of two years at sea before they obtain their commissions.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. FITZGERALD. If this bill should become a law, would it lessen by two years the time in which one of these officers would be entitled to be retired?

Mr. MANN. It would, I believe.

Mr. FITZGERALD. Then what effect would that have upon those who have passed through the Naval Academy before and were not commissioned until the end of two years of sea service? Does it give these young men now an advantage in many respects consequent upon longevity pay over those already in the service?

Mr. MANN. Well, I do not think it would make any difference about that. Of course it would retire them or permit them to be retired that much earlier.

Mr. SLAYDEN. The longevity pay begins two years earlier.

Mr. MANN. Longevity pay now practically begins when they enter Annapolis.

Mr. SLAYDEN. The gentleman is right about that.

Mr. MANN. Although we inserted an amendment in the Army bill the other day to end that as far as the academies at Annapolis and West Point were concerned.

Mr. SLAYDEN. No, Mr. Chairman, the gentleman is mistaken. It was amended so as not to operate against young men who had been at the Naval Academy and graduated there and then went in the Army.

Mr. MANN. Yes; I think the gentleman is right, it only applies to the Military Academy.

Mr. SLAYDEN. It ought to be made to apply to both.

Mr. MANN. Undoubtedly if it is made to apply to one it will be made to apply to the other. I do not know whether it will be in either case. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has six minutes remaining.

Mr. TALBOTT of Maryland. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, the only question involved in this bill as I understand it is whether a midshipman who, after attending the Naval Academy for four years, shall be graduated with a commission as ensign or whether he shall be compelled to serve an additional two years before he receives that commission. There is no necessity for instituting any invidious comparisons between the Naval or the Military Academies. That is aside from the question, which is, Does this bill provide a proper course to take? Every Board of Visitors appointed to the Naval Academy for many, many years has recommended that action be taken as provided in the pending bill. They have made their recommendation after full consultatin with the superintendent and the corps of professors at the Naval Academy, all of whom are naval officers. They make their recommendation with a full knowledge of the equipment of these young men for a proper discharge of the important duties to be imposed upon them. The passage of this bill does not mean that the technical training of these young men is to be brought to an end.

On the contrary, the training of a naval officer in our Navy is not brought to an end until he attains the rank of rear admiral. He must stand examination for every promotion that he secures from the time he enters the academy as a midshipman to that period in his career when he is made a rear admiral. Now, the gentleman from Illinois [Mr. MANN] is mistaken when he lays down the proposition that if this bill passes the naval officer will be compelled to serve two years less before he reaches retirement. That is not true. He must serve exactly the same number of years before retirement if this bill should become law that he serves now.

Mr. MANN. But he can retire two years younger.

Mr. BURLESON. No; he will not be permitted to retire two years younger, he must serve the same length of time. Now, the question is this——

Mr. ROBERTS of Massachusetts. Right in that connection, if this act passes that gives him two years more of service as an officer than he gets under existing law.

Mr. BURLESON. He will not have one month or one day less time as such, and of that I am absolutely certain. Now, back to the issue. This proposition has been heretofore submitted to the House on several occasions, and it has each time received the unanimous approval of the House. It has often been submitted to the Committee on Naval Affairs, and has just as often been unanimously favorably reported from that committee——

Mr. RAKER. Will the gentleman from Texas yield?

Mr. BURLESON. In a moment. I do not want to reflect upon the store of information possessed by the gentleman from Illinois, we all know he is a wise man, but I must say that when the Board of Visitors to the Naval Academy and the professors and officers, who are naval officers, at the Naval Academy and the Members who constitute the Committee on Naval Affairs all have uniformly unanimously indorsed this proposition, surely they have some little information with reference to naval matters upon which we may safely rely. I do not think they have all been in error all these years. They know a little about this matter.

Mr. MANN. Why do they not give it in this bill?

Mr. BURLESON. They have given us the benefit of their information, and you will have more of it in a few minutes from the gentleman from Maryland. Now, I want to say in all fairness that these young men are entitled to receive their commissions as ensigns when they graduate from the Naval Academy. It would be unjust and unfair, or rather, I will say, it would be quite as fair, to require cadets who graduate at the Military Academy to continue to serve as cadets in the Army for two years after their graduation before commissioning them as lieutenants as to force these young naval officers to serve two years as midshipmen before they receive their commissions as ensigns. It will not diminish in the slightest the technical training they receive. It will not diminish in the slightest or increase in the slightest the responsibilities that will be imposed upon them whether this bill becomes a law or not. It should pass as an act of justice to them.

Mr. RAKER. I would like to ask the gentleman what is the extra expense or cost occasioned by this bill?

The SPEAKER. The time of the gentleman has expired.

Mr. TALBOTT of Maryland. Does the gentleman from Illinois [Mr. MANN] desire to consume the balance of his time?

Mr. MANN. How much time remains on the two sides?

The SPEAKER. The gentleman from Illinois [Mr. MANN] has six minutes and the gentleman from Maryland [Mr. TALBOTT] eight minutes.

Mr. MANN. I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I am obliged to the gentleman, because I am in favor of this measure. I told the gentleman I was opposed to his contention, and he has given me a minute, but I can hardly express my views in that time and give my reasons why I am in favor of the passage of the bill.

Mr. MANN. Then I will give you two minutes.

Mr. BUTLER. Thank you. That is better. The reason for requiring the two years extra upon these young men has entirely disappeared. It has disappeared along with the ancient ship. Years ago, when we had few ships, they were sailing ships. We had then a good many officers. We had plenty of officers and not enough ships. It became necessary for the young men to go to sea to accustom themselves to the use of the sail as well as the use of the mast. That practice is demanded no longer. Therefore the occasion for the extra two years does not exist. In the judgment of the visitors at the academy, and in the judgment of the members of the Naval Affairs Committee, who have considered the question many years, the reason for a continuance of the rule has entirely disappeared. We think it is better to conclude the education of the young men in four years and commission them ensigns at the end of that time, because when they are at sea during the two years they perform all the duties of ensign and are entitled to the commission. If anything happens to them or if they are hurt during that period, they can not be retired as the law now is, because they do not have the legal status. I have heard of several young men who contracted disease in the line of duty during the period we seek to abolish and have never received the advantages of retirement, because Congress has not seen fit to extend it; others have been retired by special law.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Speaker, I think, perhaps, I was mistaken in saying that the passage of this bill might give retirement at an earlier age than under the existing law, because I am informed that some bright genius somewhere got a construction of the law that was never contemplated by Congress, when it passed the retirement law, that the service commenced when the man entered the academy, so that the 6 years now counts as service for the purpose of retirement after 30 years' service, so that a man can be retired under certain conditions at the age of 46, a very sensible age at which to retire a man, of course.

Of course, the Naval Affairs Committee are for the bill; of course, the naval officers are for the bill; of course, the visitors to the Naval Academy are for the bill; of course, the gentleman from Texas [Mr. BURLESON] is for the bill, as all are under the influence of the desire of these men to receive the commissions, including the gentleman from Texas. They are subject to the influences that ought not to control this House—the personal touch, like the kissing of a bill through the committee and through the House, the influence of one person on another as a matter of kindness. But the real kindness to these men is to make them serve.

The gentleman from Pennsylvania [Mr. BUTLER] says that the occasion of the two years has passed away because the sailing vessel is no longer used. Do I understand my friend from Pennsylvania to say that it does not require more skill now to understand the management of a modern warship, controlled by steam and electricity, than it did in the old days, when any boy on the coast knew how to handle the sails and navigate sailing vessels? Do I understand now that it takes less knowledge to understand these great fighting machines, some of which have in them from 500 to 1,000 different machines, than it did in the old days, when it required very little skill to understand the furling and unfurling of sails?

Mr. BATES. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Pennsylvania [Mr. BATES]?

Mr. MANN. Mr. Speaker, I never in my life in this House asked to interrupt a man in the last minute he had.

Mr. BATES. I will not interrupt the gentleman, then.

Mr. MANN. I know you will not.

Mr. BATES. Not without your consent, at least.

Mr. MANN. Well, I will consent.

Mr. BATES. I thank the gentleman. The gentleman from Illinois has intimated that Members of Congress are under some spell or influence.

Mr. MANN. Oh, no. I did not say Members of Congress were. I said the Committee on Naval Affairs was. The gentleman from Pennsylvania is under this spell. He is always advocating something that the Navy wants that it ought not to have. [Laughter.]

Mr. BATES. I wish to ask why three successive Secretaries of the Navy have strongly advocated the passage of this bill? Are they under any spell?

Mr. MANN. Why, certainly; they are under the same influence. Everybody understands that, just as the Army constantly does it and the Navy constantly does it. It is always the same influence, coming from the bottom up to the top. And it is not confined to the Army and Navy, although it is worse there than anywhere else.

Now, I am opposed to permitting this personal solicitation of men who simply wish to advance themselves a little more rapidly in pay and rank following into committees and into Congress and controlling.

The SPEAKER. The time of the gentleman has expired.

Mr. TALBOTT of Maryland. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] is recognized for four minutes.

Mr. PADGETT. Mr. Speaker, the proposition involved in this bill is a very good one. A young man goes to West Point and completes his course of four years and is graduated and receives his diploma and his commission as a second lieutenant. A young man goes to Annapolis and studies four years in a course just as severe and at the end of four years graduates and receives his diploma, but does not receive his commission. He has to wait two years in order to receive his commission and then he receives the commission of ensign, which corresponds with that of second lieutenant which the young man at West Point receives.

This bill is simply to place the two upon an equality and to provide that the date at which the young man at Annapolis receives his commission shall be at time of graduation and not two years later, just as the young man at West Point receives his.

The gentleman from Illinois speaks of "kissing" bills through the committee. I think that the gentleman will agree that there are quite a number of propositions that come to the Committee on Naval Affairs that are not kissed through the committee. There are a good many bills he will find, if he will come and examine our records, that are turned down.

But I want to say that not only has this committee unanimously reported this bill, but the committee in the last Congress, which was largely of a different personnel, approved the bill unanimously, and it was passed by the House, I believe, without any opposition, but failed to get through the Senate on account of the lateness of the session. It passed, I believe, unanimously the previous Committee on Naval Affairs. It has been recommended by the last four or five Boards of Visitors to the Academy. It has received the approval of the Secretary of the Navy, and, I believe, also of the President in his recommendations. It has now passed the Senate without opposition and comes over here and receives the indorsement of the committee and the committee's unanimous recommendation, and I ask that the bill be passed.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. With pleasure.

Mr. SLAYDEN. The gentleman quotes the Boards of Visitors as the authority which recommended this legislation. Has the gentleman ever heard of a Board of Visitors that did not recommend what the superintendent of the academy requested them to?

Mr. PADGETT. I know of four boards during my service on the committee that have recommended this legislation.

Mr. SLAYDEN. Have they recommended anything that the superintendents were opposed to?

Mr. PADGETT. I do not know as to that, but I know they have refused to recommend things that have been advocated by the superintendent.

Mr. TALBOTT of Maryland. Now, Mr. Speaker, I will take up the debate where Mr. PADGETT left off. A second lieutenant in the Army, if he is injured in the service or contracts a disease in line of duty and comes up for promotion and is found deficient, either physically or mentally, by reason of something that has happened to him in the service, is retired or pensioned. No matter what may happen to these young midshipmen in these two years, they are not entitled to relief. They may meet with accidents in the service. They may contract disease in the service, and when they are examined for promotion and found to be unfit or deficient, they are turned loose—discharged from the Navy. They can not be retired, they can not get a pension, without a special act of Congress. The gentleman from Illinois knows that in the very last Congress we had a fight on the floor of this House to place upon the retired list Midshipman Blankenship, who entered the Academy from Virginia. We have had private bills in every Congress to relieve midshipmen who are unfortunate in the two years intervening between graduation from Annapolis and their being commissioned as ensigns.

So far as the Navy is concerned, there is no comparison between the education they give these boys and that received in private colleges, because the boy who graduates at college, who is sent there by financially able parents, after he receives his education can go where he pleases and do as he pleases. But these boys who are educated at the Government expense belong to the Government. They can be made to pace the deck from morning until night and from night until morning. They are owned by the Government. In case of war they are shot at and receive injuries. Those who survive do become great men. They become admirals in the Navy. They have been the pride of the country, and these young men who will get the benefit of this law will live to be the pride of the country.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and passing the bill.

Mr. PADGETT. With the committee amendments.

The SPEAKER. The motion includes the amendments.

The question was taken, and the Speaker announced that in his opinion two-thirds had voted in the affirmative.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 79, noes 5.

Accordingly, two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

BRIDGE ACROSS MISSISSIPPI RIVER, BEMIDJI, MINN.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4151) to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota, with committee amendments.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Minnesota & International Railway Co., a corporation organized under the laws of Minnesota, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the northwest quarter of section 16, township 146, range 33 west, at or near Bemidji, in Beltrami County, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded? The Chair hears no demand. The question is on suspending the rules and passing the bill.

Mr. ADAMSON. I did not hear the motion. It includes the amendments, does it not?

The SPEAKER. Under suspension of the rules the House passes the bill as read, and the amendments are read into the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill passed.

PORTO RICO.

Mr. JONES. Mr. Speaker, I move to discharge the Committee on Insular Affairs from the further consideration of the bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, and to suspend the rules and pass the bill.

The SPEAKER. The gentleman moves to discharge the Committee on Insular Affairs from further consideration of the bill, which will be reported by the Clerk, and that the same be passed.

The bill was read as follows:

Be it enacted, etc., That all citizens of Porto Rico, as defined by section 7 of the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act

before the district court in the district in which he resides, the declaration to be in form as follows:

"I, ——— ———, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months, the terms of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act, to the secretary of Porto Rico.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. JONES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. JONES. Mr. Speaker, the object of this bill is twofold. One of its purposes is to settle and definitely fix the political and civil status of the people of the island of Porto Rico. The other is to make those persons who are now defined to be citizens of Porto Rico citizens of the United States.

During the second session of the Sixty-first Congress a bill providing for American citizenship for the people of Porto Rico was passed by this House. This bill is recommended by the Secretary of War and each of the great political parties of this country in its last national platform declared unequivocally in favor of conferring American citizenship upon the people of Porto Rico. So this bill involves no political question. It has the indorsement of both the Republican and the Democratic Party.

The organic act of Porto Rico, approved April 12, 1900, known as the Foraker Act, provided that all inhabitants continuing to reside in Porto Rico who were Spanish subjects on the 11th day of April, 1899, and then residing therein, and their children born subsequent thereto, should be deemed and held to be citizens of Porto Rico.

This bill proposes not only to make the citizens of Porto Rico, as defined in the Foraker Act, citizens of the United States, but also those natives of Porto Rico who were temporarily absent from the island on the 11th of April, 1899, and who have returned thereto and are now permanently residing therein, and who are not citizens of any foreign country.

In order that nobody in Porto Rico affected by this proposed legislation may hereafter be able to say that the people of Porto Rico were not consulted as to whether or not they should be made citizens of the United States, it is provided in this bill that within six months after its passage any citizen of Porto Rico may go into the district court of the district in which he resides and declare his purpose not to become a citizen of the United States.

Now, Mr. Speaker, there are a great many eminent lawyers who hold—and I may say that such is the opinion of the attorney general of Porto Rico—that citizens of Porto Rico are already citizens of the United States. I, Mr. Speaker, believe that this is true, but they have not been held to be such by those who administer the laws of Porto Rico, either in this country or that island.

Section 1891 of the Revised Statutes of the United States of 1878 declares that the Constitution and the laws of the United States not locally inapplicable shall have the same force and effect in the organized Territories of the United States and those to be hereafter organized as elsewhere in the United States.

I think, Mr. Speaker, it can not be successfully contended that Porto Rico is not an organized Territory of the United States; and if that be true, then the Constitution of the United States must be in effect there as elsewhere in the United States.

When the organic act providing for a civil government in the Philippines was passed it was expressly provided in that act that section 1891 of the Revised Statutes of 1878 should not apply to those islands, but no such exception was made in the organic act of Porto Rico. The reason for this omission was that it was generally understood in this country that Porto Rico was to become a permanent part of the Territory of the United States, whilst Congress purposely and designedly refrained from defining the political and civil status of the people of the Philippine Islands.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. JONES. Yes; for a question.

Mr. MARTIN of South Dakota. I notice the form in which the bill is prepared; in one blanket provision it would make all the people of Porto Rico citizens, except those that might declare their intention of not wishing to become citizens of the United States. Does not the gentleman think that citizenship of the United States is of dignity and importance enough to reverse that? And does not the gentleman think the preferable way would be to give the citizens of Porto Rico an opportunity to declare that it was their intention to become citizens of the United States?

Mr. JONES. I will say in reply to the gentleman from South Dakota that such a proposition was presented to this House in the Sixty-first Congress, but the House amended the bill so as to provide for collective citizenship. At that time, if my memory is not at fault, the administration favored such a measure as the gentleman suggests, but now the Secretary of War, in the strongest possible terms, recommends the passage of a collective citizenship measure such as this, with the proviso that any citizen of Porto Rico who does not desire American citizenship may go into a court and so declare.

Mr. MARTIN of South Dakota. Mr. Speaker, I should like to ask the gentleman another question. Will the gentleman yield?

Mr. JONES. Certainly, for a question.

Mr. MARTIN of South Dakota. I was going to ask the gentleman what reason can be given to the House why this latter method is preferable to the former?

Mr. JONES. If we are going to bestow American citizenship upon the people of Porto Rico at all, we ought, I think, to do it collectively and not compel each one of the male adults in a population of eleven hundred thousand people to go into a court and go through a process of naturalization, which I understand to be the proposition of the gentleman. If we are going to give them American citizenship it should be done freely and not grudgingly.

I reserve the remainder of my time.

The SPEAKER. The gentleman has 11 minutes left.

Mr. MANN. Mr. Speaker, I take it the gentleman referred a moment ago to the Olmsted bill, wherein we adopted this provision in the Sixty-first Congress?

Mr. JONES. Yes.

Mr. MANN. Why has not the gentleman to-day brought in the rest of the Olmsted bill or something related to it?

Mr. JONES. I will say frankly to the gentleman that the reason this citizenship measure was not embraced in a general measure, as was the case with the Olmsted bill, was that American citizenship is a subject of very great interest to the Porto Ricans, and one of sufficient importance to be dealt with in a separate measure. Moreover, the author of the Olmsted bill suggested the course which has been followed. This is a unanimous report, and it was not believed there would be any opposition to this bill in the House. It may not be so easy to obtain unanimous committee action in support of a general measure intended as a substitute for the Foraker Act, and therefore it was thought that such a bill might be contested, whilst this would not.

Mr. MANN. Mr. Speaker, my friend from Virginia [Mr. JONES] has just stated that, in his judgment, the Porto Ricans were already citizens of the United States, and that Porto Rico was already a Territory of the United States. I have great regard for the opinion of my friend from Virginia, and yet his opinion on that subject reminds me somewhat of an opinion enunciated at one time by the chairman of the Committee on the Judiciary of this House a few years ago, a very distinguished Republican, who made an elaborate argument to prove that Cuba was a part of the United States, and that there was no way under the Constitution by which we could get rid of it.

It may be there is some doubt about what is a Territory of the United States, because I notice by the caucus print of the Democratic excise bill, about to be brought before the House, that they do not assume just what is the territory of the United States or just what is the United States. That bill says "residing in the United States, any Territory thereof, or Alaska, or the District of Columbia"—that something shall be done, which would seem to eliminate the Territory and Alaska and the District of Columbia out of the United States. Perhaps they intended to include Porto Rico, however, under the term "Territory."

Mr. JONES. Organized Territories.

Mr. MANN. Mr. Speaker, our language in reference to territories is not very accurate, but I do not think anybody will very seriously contend that Porto Rico is an organized Territory. I believe the time has passed when it would do any good to oppose this bill. I do not think we ought to pass a bill of this sort without some knowledge of its natural consequence. It is as inevitable, in my judgment, as that the sun will rise to-morrow, that when Porto Rico is an organized Territory of the United States and her citizens are made citizens of the United States, they will at once commence to demand admission into the Union with greater force and with better logic than they ask to be

made citizens. If they are citizens of the United States with a population such as they have, it is not practicable for any long time to deny their request or demand that they shall remain a State of the Union. Perhaps that is the proper thing to do. Perhaps there is good reason for doing it, and yet I have some doubt about it. It is quite likely that we would in some way have amalgamated Cuba before this time if it were not for the danger which might come to our country by admitting as States into the Union with possibly deciding power in the Senate, if not the House, peoples who are somewhat, at least, strange to our internal problems and to our form of civilization.

I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I question the wisdom of the enactment of this bill into law. We have the Monroe doctrine. We have had the War with Spain. We are responsible for Cuba. We are responsible for Porto Rico. The gentleman says it is a Territory. I do not so understand it. We are responsible for the Philippines. We control the customhouses in Santo Domingo, and practically in Honduras. If the Monroe doctrine is to continue as it will continue no one knows what is to happen during the swing of the twentieth century. The people of Porto Rico—and I weigh my words when I speak of Porto Rico, because I have been there—do not understand, as we understand it, government of the people, by the people. They have a different language.

Mr. SLAYDEN. Is it possible for them to become competent?

Mr. CANNON. Mr. Speaker, I do not believe, considering they are 20 degrees north of the Equator, considering all of the conditions, with Haiti, San Domingo, Central America, and elsewhere, that they are competent for self-government. That is as much as we can do at all times without conflict [laughter], let alone people down there, north of the Equator, mixed blood. Oh, there are men in Porto Rico who are fully as strong as I am, but one swallow does not make a summer——

Mr. SLAYDEN. Will the gentleman permit an interruption?

Mr. CANNON. I have only five minutes.

Mr. SLAYDEN. I just wanted to protest against that last statement of the gentleman. I am in sympathy with a great deal of what the gentleman states, but I can not agree to that.

Mr. CANNON. I met some very bright men in Porto Rico, and very patriotic men.

Mr. SLAYDEN. No doubt.

Mr. CANNON. Now, Christ died to save all; yes, but all that he died for are not now competent of self-government on this earth. We require education touching our outlying possessions and what may be our outlying possessions. Here we are very apt to measure everybody's corn in our half bushel. I undertake to say that if you pick up a million people, your kind of people and my kind of people—the Caucasian race—and put them for 100 years or 200 years or 300 years, without any unmixed blood, 20 degrees south of the Equator, I undertake to say, in my judgment, the civilization would decrease in force, in capacity for self-government. The gentleman from Illinois [Mr. MANN] has well said this is but the entering wedge for a demand for statehood. They are protected. I do not know, but as I am informed by people who are familiar, 75 or 80 per cent of those people are mixed blood in part and are not equal to the full-blood Spaniard and not equal, in my judgment, to the unmixed African, and yet they are to be made citizens of the United States.

They are entitled to protection at the hands of the people of a great Republic and will receive it, but I think we could be a little slow about this wholesale legislation. Therefore, holding the views that I do about it, seeing what there is in the future, I shall be glad to know that if there is an addition to statehood——

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. One word further.

Mr. MANN. I yield two minutes more to the gentleman.

Mr. CANNON. I think one is sufficient. I should be glad to know that there is capacity on the average for self-government. Does anybody dispute that proposition? I pause for somebody to combat it. Why, you may say, you may go out in the mountain States, with a small population; but if you will take the zone in which the people in the United States proper reside and then consider the race, they grow and grow, they pass through a period of childhood, have an experience that a growing Commonwealth has, and the history of the States proper shows that we can successfully——

The SPEAKER. The time of the gentleman has again expired.

Mr. MANN. I yield one minute more to the gentleman.

Mr. CANNON. That we can successfully build a Commonwealth, or that they can build Commonwealths, in the present area of the continental United States. [Applause.] For one, I am not ready to vote for this bill at this time.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Virginia has 11 minutes remaining, and the gentleman from Illinois 6.

Mr. MANN. I yield three minutes to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE of Wisconsin. Mr. Speaker, in the three minutes which have been granted me it will not be possible to make any argument affecting the merits of the bill. I will content myself, however, with calling the attention of the House to the fact that this is one of the first bills to come from the Committee on Insular Affairs. There are a large number of very important bills there, one or two of which have been reported out and are now on the calendar of the House. I think the attention of the membership of the House ought to be called to these matters on account of the great importance which attaches to them. I believe with the gentleman from Illinois that we are very shortly to be brought face to face with the problem of the disposition not only of Porto Rico, not only of the Philippine Islands, but with other territory as well, and I realize that we might just as well commence to prepare ourselves to face those problems at this time. I certainly believe that we should grant to these people at this time American citizenship. They are citizens only of Porto Rico, a most anomalous position.

They were formerly citizens of Spain. They are not recognized as citizens of any country, and it seems to me that their political status ought to be fixed. We have taken this territory. They have consented to become a part of this country, and it seems to me that they are entitled not only to the protection, but to all the rights of American citizens. They are a loyal people. They are a people that have given us no trouble and no expense. The community under our laws is extremely prosperous. We have there instituted our system of public schools. The proportion of negro blood is not much larger, if it is any larger, in Porto Rico than it is in the great State of South Carolina. And I believe that while the quality of citizenship is not as high as it ought to be, yet they should be given the privilege of American citizenship at this time.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SLAYDEN. Mr. Speaker, I regard it a privilege to have served in this House for a number of years with the distinguished gentleman from Illinois [Mr. CANNON].

In that time I have heard many words of wisdom fall from his lips, but never any nonsense. I have heard him make many bitter, partisan statements that I thought unfair and inexact when they undertook to state the position of his political enemies, and I have known him to take many positions on public questions that I thought were wrong. But with it all he has always been strong and usually wise and patriotic. Never, however, have I in all my experience with him in this House known him to say truer or more important things than he did to-day in the brief debate on the bill from the Committee on Insular Affairs that proposes to confer collective citizenship on the people of Porto Rico.

I occupy a peculiar position, and not a very promising one from the point of view of results, with reference to this bill. I am against both sides to the controversy. I sympathize with the Porto Ricans, but not with this measure.

The very fact that we are undertaking legislation for an alien people who do not even live on this continent shows how far wrong we have gone since we went to war with Spain 14 years ago about a lot of other aliens living on another island and between whom and ourselves there is no real social or political sympathy.

It is an embarrassing incident in the logic of events, just one of many that will vex us before we shall be done with them.

In 1898, under pressure from "yellow" journals, and on the hysterical demands of the people whom they had excited, we embarked in a series of military enterprises that have emptied the Treasury and bankrupted us in our political morals. The history of the Spanish-American War is the Iliad of our woes. If Spain bears us ill will she must be happy in the contemplation of our failure in colonial government in the Philippines and in Porto Rico, and in the embarrassment and expense that these unsuccessful efforts to do an un-American thing have caused us.

To assert sovereignty over an unwilling people we have abandoned American principles; have thrown to the winds the wise policies bequeathed us by the fathers. We went away from our own shores in search of adventure and by force of arms annexed an incongruous, inharmonious, and entirely unassimilable

people, both in the East and in the South, in the Philippines and in the West Indies. In both instances we got a people who can make no contribution to our political institutions, no contribution to our civilization in any way, that we would regard as valuable.

I do not mean to reflect on either the West Indians or the Filipinos. They view everything from a different angle. In Porto Rico the people are Spanish, or African negro, or the mulatto produce of the union of the two. In the Philippines they are Christian and Moslem, Spanish, Malay, and Negro, or the hybrid produce of all. I can not speak with accuracy or any great degree of confidence of the ethnologic history of the Filipinos as a people. But certainly they are not Saxon or English, and they also view matters political from a different angle. The Lord, in His wisdom, made them different, and that is all I have to say about them ethnologically.

In saying that they look at things from a different viewpoint I do not mean to say that they are mentally deficient or incapable of self-government. Certainly they can govern themselves better and more to their own satisfaction than we can govern them. Alien rule is never satisfactory, and when people protest against it it is a sign that they are worth while. Our own continent and its history is a splendid illustration of the truth of that statement. One by one every Spanish colony threw off the yoke of Spain, as did those that one time confessed allegiance to Brazil. Our own Federal Republic is the result of a protest against government imposed from an European throne. The point of the Boer sword has written bloody chapters in the history of Great Britain, and all because the English, who will cheerfully die to maintain their own liberties, have been unwilling to concede to others a privilege that they cherish for themselves. India is kept quiet only by the weight of guns. And so it goes throughout the world. Here and there, in Asia and in Africa, minor peoples, and usually colored peoples, are now and then in open revolt against alien control.

It is precisely the political scheme that was condemned by our patriot fathers when they declared that governments derive all their just powers from the consent of the governed. What the Americans rejected in 1776 they embraced in 1899 when their baser nature was aroused.

Mr. Speaker, plus the differing views as to forms of government, there is another and an ineradicable difference between these people of Asia and Africa with whom European Governments and our own, I may add, have been at war so often. It is the difference in color. For some reason that I do not perfectly understand, and perhaps should not try to explain, there is such a thing as race hostility. Philanthropists may shut their eyes to it, may deny its existence, may say it is un-Christian, but the fact that they deny it or condemn it does not remove it.

It does exist and it can not be abolished.

In the economy of nature it serves a useful purpose. Nature, the Lord, if I may be permitted to say so, loves a thoroughbred. Nature abhors the hybrid and shows it by the denial, partial in some cases, complete in others, of the fecundity that has been given the thoroughbred.

I am moved to these observations by the remark of the gentleman from Illinois [Mr. CANNON], who says that he believes that the hybrid, the cross between the blacks and whites, or between the browns and whites, is less well fitted for self-government than the full-blooded African Negro.

I can not say that I differ from the gentleman in his rule, yet I fail to recall at the moment any conspicuous, indeed, any moderate, success in government by the Negro race, hybrid or thoroughbred.

Take Haiti, for example. The people of that island are nearly or quite black. They are almost an unmixed race. But no one will cite Haiti, I fancy, as an illustration of the ability of the negro to conduct government.

If one may credit the statements of writers and travelers, the so-called Republic of Haiti is a turbulent travesty of government frequently "tempered by assassination." The Haitians do not appear to have advanced in civilization or in the arts of government since they ceased to be a colony of France a hundred years ago. So much for the pure black Negro.

In Santo Domingo and in Cuba, where the blacks are important, if not the dominant figures of political life, there is almost unceasing turmoil. The Cuban Government started a few years ago without debt, without the necessity of maintaining an army and navy, and with sovereignty over a compact, seagirt island of phenomenal richness. What has happened?

One intervention by the Government of the United States at the expense of the taxpayers of this country and another impending, deficits where there was a surplus revenue, and great debts where there was high credit.

Then there is Liberia, the pet project of that large class that appears to believe that because men have permitted themselves to be enslaved they possess some wonderful virtue and capacity. Liberia is no exception to the rule of incapacity shown by the most deeply colored of all the "colored" races. As a government it was started for, and partly by, former American slaves, and it has been nursed through several political distempers by this Government and by the people who have devoted themselves to the uplift of the Negro race. Like all the other governments of the African race and the African hybrid, it has broken down in its finances. Whether that is due to inherent dishonesty or a lack of understanding of figures I can not undertake to say, but it is true that Haiti, Santo Domingo, and Liberia have all stranded now and then on financial rocks, and Cuba faces a similar disaster.

Let us consider for a moment conditions in Latin America, a part of this continent with which we now have much to do, and, in the opinion of the gentleman from Illinois, will have more to do in the future.

Mr. Speaker, the turbulence of the Spanish-American Governments can not, I believe, be fairly charged against the Spaniards. The Kingdom of Spain has not been free from wars and revolutions, but it is highly improbable that it has had more than has fallen to the lot of France, England, Italy, or many of the German States.

In all these Central and South American States there is a large population of mixed bloods. The progeny of the union of the Spaniard and native Indian is not without ability. Many of them have been men of high order of ability. They have produced great statesmen like Juarez and Diaz in Mexico, great orators, painters, and writers, but it can not be denied that they seem to lack the calm judgment so essential in the conduct of the affairs of state.

They seem to be in a sort of plastic condition. It may be that they have not yet developed the particular form of government that is best suited to their natures and genius. They have flattered the Anglo-Teutonic-American by imitating his governmental plan, but it does not appear to be entirely satisfactory. Why it has failed offers an interesting field for study and discussion.

In a recent issue of the Daily Mexican, published in the City of Mexico, there appeared an editorial that was originally printed in La Prensa and which was written by a member of the Mexican Congress, Mr. Francisco Bulnes.

I will read a part of what Mr. Bulnes has to say:

> In treating the revolutionary question we must therefore abandon all sentimental methods; all appeals, tears, and supplications are ineffective, and have never been of the slightest use. The only feasible way out of the difficulty for the Government is by means of the bayonet, and without a goodly number of sabers, accompanied by rapid-fire guns, cannons, and dynamite bombs (the last-named most effective weapon having been enthusiastically adopted during the recent struggle), nothing can be accomplished.
>
> The provisional government of Mr. de la Barra and the Government of Mr. Madero alike have failed to grasp the fact that the basis of every Latin government must repose on a supply of bayonets in proportion to the amount of invincible and inevitable odium which is always felt by all Latin peoples for their governments.
>
> In all Latin-American countries the necessity for the bayonet is great, and the very first question to settle, after the triumph of the revolutionary arms, should have been to attend to the organization of these bayonets as the only possible means of establishing the Mexican Government on a firm foundation.
>
> We do not by this mean to imply that the revolution should have thrown itself into militarism; not at all; but it is an established fact that Latin democracies have never yet been able to exist without the bayonet.

If Mr. Bulnes is right in his description of the Latin-American countries and people, he clearly establishes one thing, and that is that intimate political association with them would be a source of unceasing embarrassment for us. Their ideas of government, according to Mr. Bulnes, and ours are not the same. With them, if he is right, the military must be the most conspicuous feature of government. Under our plan it is the least conspicuous.

But I am wandering from my text, the remarkable speech of the gentleman from Illinois [Mr. CANNON]. He said:

> The people of Porto Rico do not understand, as we understand it, government of the people by the people. They have a different language.

Mr. CANNON might have said—and would certainly have been more accurate if he had said—that as a whole they have a different color. That would better have explained what he conceives to be their incapacity for "government of the people by the people." Color in this matter is more important than language.

Let us follow him for a little in some of his other statements. He says:

> Mr. Speaker, I do not believe—they are 20 degrees north of the Equator—considering all of the conditions with Haiti, Santo Domingo, Central America, and elsewhere, that they are capable of self-govern-

ment. That is as much as we can do at all times without conflict [laughter], let alone people down there, north of the Equator, mixed blood.

In that statement the distinguished gentleman hit upon a great truth. Froude went to the West Indies predisposed to think well, the best, of the colored races and hybrids who inhabit those islands, and came away vastly discouraged and confessing their incapacity.

It is clearly due to the two causes suggested by Mr. CANNON, to wit, the character of the people and the climate. The Tropics seem to heat the blood while enervating the people who inhabit them. There may have been strong, orderly governments in the Tropics, but I do not recall them. There may be some in the future, but I doubt it.

Let me quote again from the remarks of the gentleman from Illinois. He said:

Now, Christ died to save all; yes; but all He died for are not now competent for self-government on this earth. We require education touching our outlying possessions and what may be our outlying possessions. Here we are very apt to measure everybody's corn in our half bushel. I undertake to say that if you pick up a million of people, your kind of people and my kind of people—the Caucasian race—and put them for 100 years or 200 years or 300 years, without any unmixed blood, 20 degrees south of the Equator, I undertake to say, in my judgment, the civilization would decrease in force, in capacity for self-government.

Again he hit upon a great truth. It is a truth that was recognized several years ago by another eminent son of Illinois, the late Col. Robert Ingersoll, at the time the annexation of Santo Domingo was under consideration. Ingersoll stated the same thing in a different way. He said that the Tropics were not suited to the white race, and declared that if we had the island of Santo Domingo without a single native or black inhabitant and settled it with New England deacons and their families the climatic influence would soon reduce them to the level of the hybrid people whom they displaced.

If—

Said Col. Ingersoll—

a traveler went to the island after a lapse of 50 years he would find the descendants of these New England deacons hatless and shoeless, going about on any Sunday morning with a cock under each arm looking for a fight.

In substance, Mr. Speaker, the two distinguished men from Illinois have agreed as to the influence of climate on character.

I quite agree with the suggestion that we have no right to hold any people in subjection to our laws forever unless they are citizens. It is contrary to the spirit of our institutions. That is one of the reasons why I want to give the Filipinos absolute independence. I would also give the people of Porto Rico independence. We can retain our coaling and naval station there. We can create a condition from the military point of view that will give us every advantage, so far as the defense of the Panama Canal is concerned, and retain only a small part of the island. We could give the Porto Ricans complete independence in the matter of local government. We could give them an opportunity to show their capacity for the conduct of government.

By so doing we could gratify the very natural ambition of the Porto Ricans to govern their own island, and without risk permit an interesting experiment of a social and political nature while we avoided their demand for statehood.

We are in an awkward situation with reference to these islands in Porto Rico and the Philippines, and every Member of this House knows it. They have read the Declaration of Independence and appeal to it. They have studied our Constitution and are familiar with that document. They charge us with inconsistency, and, what is worse, Mr. Speaker, they prove it. They know that we tax them without permitting representation in our Congress, something that was a crime when done by the British Parliament, but which does not appear so wicked when we play the rôle of King George and his parliamentarians.

Many people in this country who want to sever the tie that binds us to tropical and alien people take that position, because they see in it danger for us. They agree with the view of the gentleman from Illinois that people who "live within 20 degrees of the equator" can neither comprehend nor support representative government constructed on the Anglo-Saxon plan.

They also see the physical degeneracy that will come from personal contact. Intimate personal association will result, as it nearly always has resulted, in a race of hybrids, who will, if experience may guide us to a conclusion, inherit the vices of both parents and the virtues of neither.

That danger has been recognized by England and Germany, and steps have been taken to avoid it. Of the two, England has made the greater effort to preserve the purity of the blood of her people, but Germany is not far behind in the struggle to keep an undefiled racial standard.

Right here, Mr. Speaker, I ask the privilege of inserting an editorial taken from the Washington Post of this morning that tells how Germany is endeavoring to keep the blood of her people pure.

THE WHITE MAN'S BURDEN.

It has taken Germany until now to learn in her colonial possessions the lesson which the Anglo-Saxon has taught since the time men first began going down to the sea in ships and ruling over inferior races in distant lands. It is a lesson as simple as that water and oil will not mix. The German secretary of state for the colonies has issued an order forbidding marriages between Germans and natives in Samoa, where, no doubt, it will create considerable consternation owing to the freedom with which the Europeans in the island have taken native girls as wives in the past. Marriages already contracted are to be legal, and offspring from these unions are to be regarded as Germans, but hereafter the children born of such are to be treated as natives.

In Borneo the children of Dutch fathers and native mothers derive their nationality from their male parents. Germany in the East now embarks upon a policy which England has always followed. Great Britain has ever maintained her supremacy by demanding recognition as a superior. In India, in South Africa, in Australia, wherever the Anglo-Saxon has gone in search of adventure and treasure, he has drawn the color line and has stood ready at all times to maintain it at the point of the sword. In America the early French explorer and settler won his foothold by intermarriage with the Indians; the Englishman treated the Indian as an inferior, and shouldered the white man's burden instead of trying to avoid it by a short cut across the matrimonial lots. It is interesting to note that the German colonial office has shown itself alive to the dangers to both races under the old system of mixed marriages in Samoa. Germany has at last realized that if there is to be a civilization in her colonial possessions it must be white.

How Americans, who should more keenly appreciate the danger of hybridization, can ever get their consent to policies that coquet with this horror I can not understand.

I suppose it must be because they are pushed on by greed. It is the love of money that is the root of all evil. Anxiety for trade impels them to take all risks and to do those things that can neither be justified in reason nor morals.

Black, brown, and yellow races have the same natural rights the white man has. The Lord who created them gave them a section of the earth for their own use and enjoyment, and they far outnumber the white races. For centuries they have not invaded the territory of the white man. The Turks are not now fighting a war of conquest on Italian soil, the East Indians have not invaded England, nor have the Filipinos threatened us.

They have a right to exist—at least we have no right to say they shall not—and certainly Americans can not with propriety suggest that they shall not have such political institutions, such forms of government, as they prefer. White men invade their countries in the name of the Christ who preached peace and charity, oppress them in the name of the Lord, and despoil them in the name of civilization. Cant and humbuggery have characterized our dealings with people of other races. Is it any wonder that they remain pagan?

Political mixing with alien people is as dangerous and unprofitable to the State as physical mixing is sinful and hurtful to us as a people.

It gratifies lust for power, it creates vassals, it enables us to employ the word "possessions" when speaking of Porto Rico and the Philippines, but it also increases the cost of government to the American taxpayers, and it has not increased their prosperity, individually or collectively. We imperil our own free institutions by imitating Imperial Rome when she dealt with colonies. With a fatuity that is really incomprehensible we, a free people, have been tempted to employ the tools of tyranny, and that can never be done without danger. Nations that live by the sword must perish by the sword.

"The Conflict of Color" is the title given to an epochal book by B. L. Putnam Weale. In that book he clearly shows the importance in numbers and power—the latter somewhat latent as yet—of the people who inhabit the vast continents of Asia and Africa. He also shows how there is a growing sentiment of hostility among Africans and Asiatics toward the white race. They have a dawning consciousness of injustice from Europe and America, and a community of interests is bringing them together.

The population of the earth, according to race, is given by statisticians as 1,510,150,000, of which there are, in round numbers, 690,000,000 whites and 820,150,000 black, brown, and yellow people. Who can believe that with this vast preponderance in favor of the colored races they will forever tamely submit to the rule of the alien white?

From the Cape of Good Hope to Gibraltar and throughout all of Asia they are suspicious and increasingly hostile. The actual shock of conflict may yet be remote, but it is inevitable. Now, what part shall we of the United States play in that great struggle? Is it necessary that we should have any part in it? Can we not, if we devote our energies to the development of continental America avoid it altogether?

If we apply the rules of conduct in governmental affairs laid down by the founders of this Republic, I think we can. In America we have plenty of land for homes, plenty of opportunities for the exercise of all our energy and talent. We need not take the political and personal risk of contact with the people of

Asia and Africa. In homely phrase, we should stay at home and "mind" our own business and let the Filipinos and other Asiatics devise and operate their own schemes of government.

As to Africa, which is now being divided among the British, German, and French, we should certainly have nothing to do unless, perhaps, to negotiate for the purchase of territory to which the 10,000,000 or 12,000,000 Africans who are American born might be induced to emigrate. Then, indeed, could the ability of the black race be tested on a splendid scale.

The greatest, most menacing, and most insoluble problem that any people on earth ever faced is made by the presence in this country of 10,000,000 negroes. The Southern States, sometimes without the supporting sympathy of their brethren in the North, are doing their best to handle this great question with justice to the negro and safety to the whites.

The position of the white people of the South is taken for reasons that are deeper than politics or forms of government. Possibly the mass of the whites in the South could not analyze their position on this question, could not tell why they feel and think certain things. But they are just as certainly right as if they could frame their reasons in a perfect sylogism. It is from a higher cause than logic or economics; it is a manifestation of the natural struggle to keep the race pure. Let us hope that it can be done in peace and amity; let us hope that it can be done without injustice to anyone; but let no mistake be made about one thing—it is going to be done.

Mr. JONES. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the Republican platform of 1908 declared for citizenship for Porto Rico. [Applause.] Why do gentlemen on this floor who claim to be Republicans repudiate that plank of the national platform? The gentleman from Texas [Mr. SLAYDEN], who has just addressed the House, says that the Porto Ricans can give the world no contribution to civilization. They were so civilized, I inform the gentleman, that more than a half century ago they voluntarily enfranchised all of the slaves in the island and paid their owners $30,000,000, raised by taxing themselves. [Applause.] What people has ever done anything nobler than that?

There is another and a controlling reason why the Porto Ricans should be made citizens of the United States. Under the Constitution we have no right to hold any people in subjection to our laws forever unless they are citizens. And we are going to hold Porto Rico forever. Why? Because we are never going to give up the Panama Canal, and therefore the geography of the situation makes it absolutely essential that we insist upon the permanent retention by the United States of the island of Porto Rico. We shall not let it go to any foreign power.

The SPEAKER. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Speaker, I yield one minute to the gentleman.

The SPEAKER. The gentleman from Wisconsin is recognized for one minute more.

Mr. COOPER. It is a compact island, about 90 miles by 40, whose inhabitants are so intelligent and so civilized that the monarchy of Spain permitted them to send representatives to each of the two branches of the Spanish Cortes.

Mr. SLAYDEN. May I ask the gentleman whether all the people of the island were entitled to the franchise?

Mr. COOPER. No; not all; but franchise and citizenship are entirely separate things.

The question we are now considering relates to Porto Rico. As to the retention of the Philippine Islands, that is another question not now before us.

The SPEAKER. The time of the gentleman has again expired.

Mr. COOPER. I wish I might have two minutes more. [Applause.]

Mr. JONES. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Speaker, I believe that a party, like an individual, must keep its promises. The individual who makes promises and breaks them is a man who can not be depended upon. A party that goes before the people and makes certain pledges and promises to the effect that if it is intrusted with power it will do certain things and then fails to carry those pledges and promises into execution can not long remain in power. [Applause on the Democratic side.]

The Democratic Party has pledged citizenship to the Porto Ricans, and it behooves the Democrats to make that promise good. To my mind this is an important act. Instead of standing here in this House and reprobating our neighbors to the south of us, we should make friends of them. We should cultivate the kindest relationship with them.

This little island of Porto Rico has sent here as its representatives men who will compare quite favorably with any man in this House. If they are treated fairly, and if we as Americans extend to them the blessings of citizenship, you will with this little island create an object lesson in the south sea islands that will win for this Government the everlasting gratitude, respect, and love of not only the people of Porto Rico, but also of the other islanders who should be our natural allies. [Applause.] It is in that zone that our trade can be developed and expanded. We should cultivate good relations with them instead of fomenting discord, as I am a little slow to charge it to be true in the case of Mexico. But the disturbances that are going on in Mexico, I am afraid, find their origin back in the United States, and I am sorry if that is true. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. JONES. Mr. Speaker, how much time have I remaining?

The SPEAKER. Six minutes.

Mr. JONES. Mr. Speaker, I am very much surprised that opposition to this measure should have come from two such distinguished gentlemen as the ex-Speaker of this House [Mr. CANNON] and the leader of the Republican side of the House [Mr. MANN].

Mr. MANN. Why does the gentleman say that? I did not say anything that was opposed to the measure. I pointed out some sections of the measure that apparently have never received the careful consideration of the gentleman, but I said I was not opposed to the measure.

Mr. JONES. I beg the gentleman's pardon. I drew the conclusion—and I think naturally—from the criticisms indulged in by the gentleman that he was opposed to it. I am glad to know that he is not opposed to it.

Mr. MANN. I beg the gentleman's pardon. I did not make any criticisms of the bill at all.

Mr. JONES. Well, I did not mean to be understood as saying, Mr. Speaker, that the gentleman criticized the form of the bill. The gentleman criticized the principle embodied in the bill.

Mr. MANN. I beg the gentleman's pardon. I did nothing of the sort.

Mr. JONES. I mean to say——

Mr. MANN. I decline to have that statement go unchallenged.

Mr. JONES. The gentleman contended that the people of Porto Rico would have more reason to ask for statehood if this bill were passed than they now have to ask for citizenship.

Mr. MANN. It that a criticism of the bill?

Mr. JONES. That is a criticism, or, at least, I so understood it. I understood that the gentleman was opposed to the bill for the reason that if American citizenship was conferred upon the people of Porto Rico they would then ask for statehood, to which he was opposed. I am very glad to know that the gentleman does not oppose the bill.

I am very much surprised that the distinguished ex-Speaker of this House should oppose this bill.

If I remember aright the gentleman was a member of the last National Republican Convention; that he was a most influential member of a national convention of his party which unanimously declared it to be the purpose of the Republican Party to give collective citizenship to the people of Porto Rico. [Applause.] This bill is an honest expression of the purpose of the majority in this House to carry out the pledge contained in the Democratic platform to give the people of Porto Rico American citizenship. Both of the great political parties have declared themselves in favor of granting American citizenship to the people of Porto Rico, and, as I have said, the present Secretary of War in his last annual report strongly urged that this be done. I read from his report:

> I think the time is arriving—
>
> Said Mr. Secretary Stimson—
>
> if it has not already arrived, when it is the part of honest and farsighted statesmanship frankly to declare our position as to the ultimate interrelation between the United States and Porto Rico, so far as it is possible to do so without unduly hampering the future in wisely dealing with this problem.

Then the Secretary proceeds to say in regard to the desire of the Porto Ricans for citizenship:

> I believe the demand is just; that it is amply earned by sustained loyalty; and that it should be granted.

Mr. Speaker, the gentleman from Illinois [Mr. MANN] did say, and I think he will not question this statement, that he seriously doubted the correctness of the legal proposition which I laid down—that the people of Porto Rico were already citizens of the United States.

Mr. MANN. I have no doubt of it at all.

Mr. JONES. Although he questioned the correctness of that proposition, he did not discuss it. He did not undertake to point out why section 1891 of the Revised Statutes did not make the Porto Ricans citizens of the United States. The present

attorney general of Porto Rico, who has given great thought and study to this subject, appeared before the Insular Affairs Committee and declared it to be his opinion that the people of Porto Rico were now citizens of the United States.

Mr. CANNON. Will the gentleman yield for a question?

Mr. JONES. Certainly.

Mr. CANNON. If that be true, what is the necessity for this legislation?

Mr. JONES. The necessity for this legislation arises from the fact, as this report states, and as I have already stated, that the authorities in this country and in Porto Rico have not placed the interpretation upon section 1891 which has been placed upon it by the attorney general of Porto Rico and many other learned and eminent lawyers. Porto Rico, for some reason inexplicable to me, is not held to be an organized Territory within the meaning of section 1891 of the Revised Statutes of the United States.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. HUGHES of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from the further consideration of the bill (H. R. 21094) to create a Commission on Industrial Relations, and that the same be referred to the Committee on Labor.

The SPEAKER. The gentleman from New Jersey asks unanimoust consent that the Committee on Rules be discharged from the further consideration of House bill 21094, and that the same be referred to the Committee on Labor. Is there objection?

There was no objection.

BRIDGE ACROSS THE MORRIS AND CUMMINGS CHANNEL, TEX.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19638) to authorize the San Antonio, Rockport & Mexican Railway Co. to construct a bridge across the Morris and Cummings Channel.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the San Antonio, Rockport & Mexican Railway Co., a corporation incorporated under the laws of the State of Texas, and its assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Morris and Cummings Channel or Cut, at a point suitable to the interests of navigation, at or near Shell Bank Island, where said channel passes between Shell Bank Island and Harbor Island, in the county of Nueces, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGE ACROSS THE MISSOURI RIVER, NEBR.

Mr. LOBECK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20117) to authorize the Nebraska-Iowa Interstate Bridge Co. to construct a bridge across the Missouri River near Bellevue, Nebr.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Nebraska-Iowa Interstate Bridge Co., a corporation organized and doing business under and by virtue of the laws of the State of Nebraska, and its assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Bellevue, Nebr., and near a point between the south line of section 31 and the north line of section 30, all in township 14 north, range 14 east of the sixth principal meridian, in the county of Sarpy, in the State of Nebraska, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

DEFERRED PAYMENTS OF SETTLERS IN KIOWA AND COMANCHE CEDED LANDS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 19863) authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma, with committee amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to subdivide into two parts each of the deferred annual payments on lands heretofore sold and entered under the act entitled "An act to open to settlement 505,000 acres of land in the Kiowa-Comanche and Apache Indian Reservations in the State of Oklahoma," approved June 6, 1906, and the act entitled "An act giving preference rights to settlers on the Pasture Reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, and extend the time of payment one year from the date on which each payment so divided becomes due under existing law: *Provided*, That one of the parts into which each deferred annual payment is subdivided shall be paid annually thereafter until the entire amount due is paid, and that not more than one of such parts shall be required to be paid annually: *Provided*, That all interest due on such deferred payments on the date of the passage and approval of this act shall be added to the principal, become a part thereof, and, together with all deferred payments, bear interest at the rate of 4 per cent per annum until paid: *Provided further*, That no patent or specie of title shall pass until all payments and interest are paid in full: *And provided further*, That full discretion is vested in the Secretary of the Interior to refuse an extension for fraud of the purchasers under the above-named acts.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of Texas. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, in 1906 the Comanche, Kiowa, and Apache Reservations of 505,000 acres of land known as pasture reserve land in Oklahoma were opened for settlement. This land was sold to the highest bidder at public auction. At that time we had been favored with several years of excellent crops in that country. Railroads had recently been built through the reservations. At this time these lands were offered for sale at public auction to actual settlers only, requiring them to live on them and comply with the homestead laws; the price of the land was very high just at this time, and the lands sold for more than they should. Since the settlers bought the lands and went onto them and improved them and made one or more annual payments of the five payments the country had two or three years of drought; last year's drought was the worst in the history of that country. These settlers have made one or more payments on their lands and they can not make the payment this year, and would be forced to leave the country and give up their homes unless this relief is granted.

We provide in this bill that the deferred payments shall bear 4 per cent interest, that they may be subdivided into two payments, so that these men can this next year meet the payment out of the crops raised on their farms and thus save their homes and land.

Many of them paid out all of the money they had when they made the first payment and their settlement, and if they are now required to make further payment it will be impossible for them to do so, and it will be impossible to borrow the money from the banks or the trust companies, because they have no title to their lands, and the further fact that we have had several crop failures and money could not be borrowed by these settlers in the money market in that country.

Mr. BUTLER. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. BUTLER. Can it be possible that the land has depreciated so in value down to a level where they can not borrow enough to make these payments?

Mr. STEPHENS of Texas. They are not seeking to sell the land, but to save it from forfeiture. They have as yet no title to the land, hence they can not raise money by mortgaging it.

Mr. BUTLER. I understood the gentleman to say that by reason of the failure of the crops the land had depreciated to such a level that it would be impossible to borrow the money.

Mr. STEPHENS of Texas. This land is not worth as much as it was when it was purchased. It would not bring as high a price now as it sold for in 1896.

Mr. BUTLER. So the Indian would be better off if he could get the balance of his money?

Mr. STEPHENS of Texas. Yes; but the settlers would lose several years' work on their farms and the payments already made for the land, and that would be a great hardship on these pioneer settlers.

Mr. BUTLER. If the land has depreciated in value, if the Indian took it back he would lose?

Mr. STEPHENS of Texas. No; the Indians would get the land back and the improvements that the white men have put upon it.

Mr. BUTLER. I understood the gentleman to say it would be impossible for these people to borrow enough money to make the payments.

Mr. STEPHENS of Texas. I will yield five minutes to the gentleman from Oklahoma [Mr. FERRIS], who is perfectly familiar with this subject, as he is the author of the bill and these lands are in his district.

Mr. FERRIS. Mr. Speaker, the gentleman from Pennsylvania asks a pertinent question. This land if reoffered to-day probably would not bring as much as it did when it was sold. Those who purchased the land as a homestead settled there; they purchased at the highest bid, and in addition they homesteaded it and paid one-fifth down. Some have paid two and some three and some four payments. Some have two or three and some have four payments remaining. This merely subdivides the payments, each time making them pay interest and each time withholding the title until every payment is made, in order to let the homesteader stay on a little longer. I want to say one word further. The Congress of the United States has been very generous to these people. It has given them extensions before; but I will say, however, that it has never been at the sacrifice of the Indian. The settler has been paying interest. Every bill that has extended the time has required the payment of interest, and every bill has provided for withholding title until all payments were made. It is simply tiding these settlers over the severe drought and hard times we have had for the last three or four years.

Mr. MANN. Mr. Speaker, I desire to ask the gentleman from Oklahoma a question. I am in sympathy with the purpose of the bill. Let me ask the gentleman a few questions. It looks as if there ought to be an amendment to the bill.

Mr. FERRIS. Perhaps so.

Mr. MANN. It is first proposed to subdivide each of the existing payments into two parts, the purpose being to have those payments, as divided into two parts, made one each year. In other words, if there were three payments now due, it is proposed to make six payments, due one each year.

Mr. FERRIS. That is correct.

Mr. MANN. But the bill provides, on page 2, line 4, after providing for dividing the payments—

> And extend the time of payment one year from the date on which each payment so divided becomes due under existing law.

But the gentleman desires to extend the time more than one year.

Mr. FERRIS. I will say to the gentleman from Illinois that I was not on the subcommitte that had to do with the consideration of this bill.

Mr. MANN. I think the words "one year" ought to be stricken out.

Mr. FERRIS. What effect will it have to strike out those words?

Mr. MANN. And leave it read:

> And extend the time of payment from the date on which each payment so divided becomes due under existing law—

without specifying how long a time you extend it, because it is provided by law that one of these divided payments shall be made each year.

Mr. FERRIS. I think the gentleman is entirely right about that. The only thing I sought to do and the only thing the committee sought to do was to divide those payments into two parts so that the settler could pay them.

Mr. MANN. But you extend it more than one year.

Mr. FERRIS. We have not intended to do it.

Mr. MANN. Here are three payments now due—one this year, one next year, and one in 1914—but the committee wishes to make that one this year, one in 1913, one in 1914, one in 1915, one in 1916, and one in 1917.

Mr. FERRIS. Precisely.

Mr. MANN. That is extending them more than one year.

Mr. FERRIS. It is first dividing the payments into two parts.

Mr. MANN. But the bill provides for extending them one year under existing law, and these payments are due at this time, whether divided or undivided.

Mr. FERRIS. There is only one of the payments that is due at this time.

Mr. MANN. I understand; but that is under existing law.

Mr. FERRIS. Yes.

Mr. MANN. And you want to extend the time more than one year.

Mr. FERRIS. We want to extend the time of the first payment, and each succeeding payment one year.

Mr. MANN. More than one year.

Mr. FERRIS. Each succeeding payment.

Mr. MANN. Only one year from the time it becomes due.

Mr. FERRIS. Certainly.

Mr. MANN. But here is a payment due in 1912. You desire to divide that into two payments and pay half of it this year and half the next year; but the payment that under existing law will be due next year you desire to divide into two parts and make one part payable in 1914 and one in 1915.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MANN. Mr. Speaker, I yield the gentleman five minutes more. That can be corrected by simply striking out those words "one year," in line 4, page 2, I think.

Mr. FERRIS. And what effect will that have? That will still let one be paid each year.

Mr. MANN. Oh, yes; and will extend the time of the latter payment more than a year, as is necessary in order to make the new payments payable one each year.

Mr. FERRIS. I have no objection to that, and if the verbiage should be changed I hope the gentleman will offer an amendment so to do.

Mr. MANN. But it is not subject to an amendment.

Mr. FERRIS. We can do that by unanimous consent.

Mr. MANN. Yes.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that the gentleman from Illinois be permitted at this time to offer an amendment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Illinois [Mr. MANN] be permitted to offer an amendment. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to interrogate the gentleman from Oklahoma a moment. Is the gentleman quite sure that that amendment will accomplish what was desired by the bill?

Mr. FERRIS. I was trusting implicitly in the unusually good judgment and vigilance of the gentleman from Illinois [Mr. MANN], whom I have always found to be correct on those matters.

Mr. MANN. It is perfectly patent that it will, I think.

Mr. BURKE of South Dakota. The department in making report upon the bill called attention to the fact that the bill in its present form would probably not accomplish what was desired and suggested the proviso that appears in lines 6 to 10.

Mr. MANN. That will be left in the bill.

Mr. BURKE of South Dakota. You leave that in the bill?

Mr. MANN. Surely.

Mr. BURKE of South Dakota. Is the amendment to strike out "one year"?

Mr. MANN. Yes; in line 4, page 2.

Mr. BURKE of South Dakota. And then it will read "extend the time of payment one year from the date on which each payment so divided becomes due under existing law"?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. Extended how long?

Mr. MANN. The proviso fixes how long. First you extend the proviso, and then the proviso is "that one of the parts into which each deferred annual payment is subdivided shall be paid annually thereafter until the entire amount due is paid."

Mr. BURKE of South Dakota. Well, Mr. Speaker, I have no objection to the amendment, but I want to be sure that the bill would accomplish what was desired, because it is a measure that ought to be enacted.

Mr. BUTLER. May I ask the gentleman from Oklahoma a question?

Mr. FERRIS. Let us dispose of this amendment first. I yield to the gentleman.

Mr. BUTLER. I understand that one of these payments now due could not be made——

Mr. FERRIS. That is true.

Mr. BUTLER (continuing). By these settlers. It is proposed to extend the first payment and the next payment which becomes due next year?

Mr. FERRIS. The idea was to extend each one one year ahead, first dividing them into two parts, which is really more than that, and let one-half the payment come due next year and one-half each succeeding year.

Mr. BUTLER. Then you do not propose to make the balance in two payments?

Mr. FERRIS. No; that would be impossible for the settler to make, but we are trying to fix it in a way so that it would be possible for the settler.

Mr. BURKE of South Dakota. So as to avoid having to legislate next year and the year after that.

Mr. BUTLER. Let me ask the gentleman another question? What is the rate of interest in Oklahoma?

Mr. FERRIS. The legal rate of interest is 10 per cent.

Mr. BUTLER. What are you going to pay the Indians?

Mr. FERRIS. The same as are paid on funds in the Treasury, 4 per cent. If funds were paid in and deposited in the Treasury

of the United States the Government of the United States would pay the Indians 4 per cent.

Mr. BUTLER. Then in Oklahoma you have two rules for the payment of interest, one to the white man and the other for the Indians.

Mr. FERRIS. These moneys if paid in would not be available for the Indians, but would be deposited in the Treasury and become public funds, and we pay the same rate of interest the Government would pay the Indians if they were deposited in the Treasury. It merely substitutes the payment by the settlers for the payment by the Government.

The SPEAKER. Is there objection to the gentleman from Illinois offering an amendment?

Mr. MANN. Mr. Speaker, I do not desire to offer an amendment. I ask unanimous consent that the motion of the gentleman to suspend the rules and pass the bill be so modified as to strike out, on page 2, line 4, the words "one year."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the words "one year."

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

On motion of Mr. STEPHENS of Texas, his motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS, PORT ANGELES, WASH.

The SPEAKER. The Chair recognizes the gentleman from Washington [Mr. WARBURTON].

Mr. WARBURTON. I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I move to suspend the rules and pass the bill, S. 339.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 339) providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the reappraisement at their actual cash value of blocks Nos. 32 and 53, and the west 450 feet of suburban lot No. 26, in the Government town site of Port Angeles, or any subdivisions thereof, in the State of Washington, and all of said lands, not required for the use of the Government, so reappraised to be subject to sale at not less than the reappraised price, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided, however*, That any settler who, prior to January 1, 1910, was in actual occupation of any portion or subdivision of such lands in good faith for town-site purposes shall be entitled to a patent for the lands so occupied and to own the buildings and improvements thereon upon payment to the Government of the appraised value of the land, not taking into consideration the value of any buildings and improvements thereon: *And provided further*, That the right of any such actual settler must be exercised within 90 days after the reappraisement herein provided for shall have been approved by the Secretary of the Interior: *And provided further*, That any such settler not exercising the right herein granted shall have the right for a period of 30 days after the expiration of said 90 days to remove his buildings from said premises occupied by him.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Oklahoma has 20 minutes, and the gentleman from Illinois has 20 minutes.

Mr. FERRIS. Mr. Speaker, during Abraham Lincoln's administration a certain portion of land was withdrawn in the town of Port Angeles, Wash. Some two years ago Congress passed an act providing for the sale of part of that land. There is yet remaining two blocks and a fractional part of a block, for which this bill provides a sale. The bill as introduced provided for the sale at the actual appraised price. The subcommittee which had it in charge—and later it was adopted by the full committee—provided that it should be appraised at actual cash value and it should be sold at not less than the appraised price.

Mr. BUTLER. Why did you not sell it at public sale?

Mr. FERRIS. Well, that was talked of; and the reason we did not provide for that was this: The land is practically all occupied by settlers. The land has been vacant there and unused ever since President Lincoln's administration, and equities and rights have attached by reason of their improvements and their occupancy, until we felt that we would have accomplished everything that was necessary to accomplish if we provided for the appraisement at the actual cash value. And the committee, feeling as they did about it, with the amendment suggested, we recommended that it be passed to the full committee, and it was adopted unanimously.

Mr. BUTLER. Mr. Speaker, I understand the purpose of this bill is to take care of both the Government and the settler.

Mr. FERRIS. I do not know what construction the gentleman may put upon it, but the bill provides for the sale at the actual cash value, pursuant to an appraisement had by the Federal Government, under which the Secretary of the Interior has full supervision, and it was our idea that the Secretary would see to it that this land brought all that it was worth and all it was entitled to, and we could not imagine any objectionable features to allowing the Secretary to appraise it, sell it, and dispose of it in this way.

Mr. BUTLER. But the gentleman would not be in favor of selling land that belonged to the Government at an appraised value, unless it was that somebody had an interest in it somewhere and the purpose of which was to protect the interests of the squatter or individual upon it.

Mr. FERRIS. Well, there are two ways of selling property—one by appraisement and one by public auction. There are instances where one works out more advantageously than the other, and vice versa.

Mr. BUTLER. Is not the common, ordinary way to sell it at public sale?

Mr. FERRIS. I think that the contrary is true where the settlers' rights have attached. It is almost universally true that they sell them pursuant to an appraisement fixed by the Federal Government, and there are no strings to the appraisement. The Secretary can go out there to determine its value and has full latitude to place any restrictions around the sale which he desires.

Mr. BUTLER. When the settler moved onto this property he knew that it belonged to the Government and that he had no right to it.

Mr. FERRIS. Undoubtedly that is true. But on that particular question I wish to yield to the gentleman from Washington [Mr. WARBURTON], who lives in that State and knows more of the details than I do.

Mr. WARBURTON. Mr. Speaker, as it has been stated by the gentleman from Oklahoma [Mr. FERRIS], this was, I think, the only town site created by the Government in the State of Washington. The land was surveyed into lots and blocks. It was put on the market a part at a time. It was not all put on the market for sale. When the town site was platted, a number of settlers went onto the particular blocks mentioned in the bill, supposing that they would be sold. However, the Government reserved the lots from sale, and the settlers went on the lots supposing the same would be sold, but they were withdrawn from sale. It is not the settlers on this public land who are seeking the passage of this bill. It is the city of Port Angeles. The blocks reserved in the town site of Port Angeles are right in the center of the city. The city is situated like this: There is a little space of land down beneath a very high bluff, about large enough for the business portion of the town. The residence portion, including this land, stands 150 feet above the Strait of Juan de Fuca. These blocks are in the center of the residence portion of the city. The little town has about 2,500 people. All of the improvements of their streets and alleys are made by local assessments, and these 10 acres are grown up with brush, with no streets through them, have remained there for 40 years, and will remain there for 40 years longer unless some such law as this is passed.

In order to build the necessary streets and alleys of the city and make the necessary city improvements the people of Port Angeles have sought the sale of this land. The land as proposed to be sold now will be sold exactly as the original town site was sold. There is no question about the Government getting the full value of the land. We have provided for that. The settler will pay the full value. I imagine, or at least they inform me, that it will bring the Government about $25,000 to $30,000. That is all that the land is worth.

What we are most anxious about, while we do not want to do any injustice to the settlers, is permission to open up the streets. You can imagine the condition of a city of this size with 10 acres right in the heart of the city and the people not able to construct a street or alley through it.

Mr. BUTLER. Is that the reason why the land is to be sold at the appraised value—to protect the settlers?

Mr. WARBURTON. That is the provision. For instance, there are some homes there, as I am informed, worth about $1,000. It is to prevent somebody from coming in there from the outside and bidding on that land and running it up way above the value of the lot and make the settler, in order to save his house, pay more for the lot than it is worth.

Mr. BUTLER. I am a conservationist, and I would like to know whether or not this property would not bring more to the Government if it were put up at public sale. From the statement of the gentleman from Washington I would infer that it would.

Mr. FERRIS. I do not think it would be the desire on the part of the gentleman from Washington. It is his object to prevent an outsider from bidding for a lot and improvements more than the lot is worth. It is to prevent speculators from speculating on improvements on it that are not movable, and which improvements belong to the settler.

Mr. BUTLER. I am not proposing to run up the price on the little homes. I am looking after the interests of the Government. There has been a good deal of complaint that the public lands have been wasted and the property sold without receiving full value therefor. I am convinced that if the property here were put up at public sale it would bring more money than it would by selling it at the appraised value.

Mr. FERRIS. The bill provides that the Interior Department shall have full latitude to place an actual cash value on these two and one-half blocks. If that is true, why is it necessary to assume that the Secretary of the Interior will not do his full duty and get from it all that the land is worth?

Mr. BUTLER. I assume that he will do his full duty under the law. But as I understand the gentleman from Washington, some of these little houses are worth $1,000 apiece. He says further that if this land is sold at the appraised value intruders may be prevented from coming in and bidding up the property at the sale.

Mr. WARBURTON. I said that this bill provides, say, where a man has built a house worth $500 on a little bit of land worth, say, $300, it would not be advisable to allow an outsider to come in and bid $800 on it and thus deprive the settler of the value of his improvements.

Mr. BUTLER. I know that. But let the public understand that all of us who are protecting the Government are about to permit the sale of land under certain restrictions that would bring more to the Government if it were put up at public sale.

Mr. WARBURTON. I want to say to the gentleman from Pennsylvania that I do not believe this land will bring one dollar more than the appraised value if offered at public auction.

Mr. BUTLER. Then why not put these lots up at public sale?

Mr. WARBURTON. Because it will not work out that way.

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ELECTION OF COMMITTEE MEMBERS.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask unanimous consent to place in nomination a gentleman on that side of the House for election to a place on a committee of the House and a gentleman on this side to two places.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to place in nomination certain gentlemen for places on committees. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I desire to move the election of Mr. CARL HAYDEN to a vacancy on the Committee on Indian Affairs and to a vacancy on the Committee on Irrigation of Arid Lands, and by another motion I desire to move the election of Mr. GEORGE CURRY to a place on the Committee on Arid Lands.

The SPEAKER. Are there any other nominations? The gentleman from Alabama [Mr. UNDERWOOD] moves to elect the gentleman from Arizona [Mr. HAYDEN] to the Committee on Indian Affairs and the Committee on Arid Lands and the gentleman from New Mexico [Mr. CURRY] to the Committee on Arid Lands. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

LEAVE TO WITHDRAW PAPERS—JAMES MARSH.

By unanimous consent, at the request of Mr. SWITZER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of James Marsh (H. R. 3873), first session Sixty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. RICHARDSON, indefinitely, from March 6.

To Mr. CLINE, for three days, on account of important business.

INTERSTATE COMMERCE IN CONVICT-MADE GOODS.

Mr. HENSLEY. Mr. Speaker, I move to discharge the Committee on Labor from the further consideration of the bill (H. R. 5601) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, and to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Missouri [Mr. HENSLEY] moves that the Committee on Labor be discharged from the further consideration of House bill 5601, and that the rules be suspended and the bill passed. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

The SPEAKER. Is a second demanded?

Mr. MANN. Unless some one opposing the bill demands a second, I will ask for a second.

Mr. HENSLEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. COVINGTON. I object.

Mr. MANN. This request is only that a second be considered as ordered.

Mr. COVINGTON. I withdraw my objection to that request.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. HENSLEY] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. HENSLEY. Mr. Speaker, this bill seeks to regulate interstate commerce between the States. When convict-made goods go from the State where they are made into another State this bill provides that they shall become subject to the law of the State which they enter. It seems to me there is no question about the merits of the bill, and that it ought to be passed.

We have something like 160,000 to 200,000 convicts engaged in making different articles of consumption in the prisons throughout our country, and when those prison-made goods go from the State where they are made into another State this bill requires that they become subject to the law of that State. I was selected by the Labor Committee to submit a report on this bill, which is in part as follows:

There are a number of States in the Union which forbid by statute the placing on sale of articles of commerce made by the inmates of the penal institution of the State. It is probable that other States would enact similar laws were it not for the knowledge that such legislation would be nullified by the sale of prison-made goods brought in from neighboring States having no restriction as to the ultimate destination of their output. The manufacturers look upon the competition of prison-made goods from other States as a special grievance. In some of the States the manufacturing and labor interests have secured the enactment of laws prohibiting the manufacture, within the prisons of the State, of goods to be sold in competition with the product of free labor, and requiring that the goods made be for public use only. In such cases it is regarded as a peculiar hardship that convict-made goods from other States may be brought into the State and sold without restriction, thereby displacing free labor.

The purpose of this bill is to give needed protection to those States that have declared themselves as opposed to the traffic in convict-made goods as well as those which have prescribed the kind of goods of that category that can be sold within the State or the conditions under which the sales can be made.

This bill does not attempt to place any limitation upon the rights of the several States to employ their convicts in productive effort. The convict product as a whole is very small when compared with the entire product of free labor in the United States, but the employers of free labor and their workmen unite in affirming that when any convict-made product is placed in competition with the product of free labor the market becomes demoralized, even a small sale affecting prices far out of proportion to the amount of the sale. Every State objects to being made the market for convict-made goods produced in other States. And reviewing the general question of convict labor as a competitive factor, it may be said that manufacturers consider such competition unfair and ruinous, demoralizing to markets and business stability, compelling the reduction of prices below a fair margin of profit and often even below the cost of production. Wages are forced to the lowest limit in a vain effort to lower the cost of production to that of the prison contractor, until in some cases it has resulted in a deterioration of quality of material used and in others an entire abandonment to the prisons of the manufacture of certain grades of goods.

Those States which have no restrictive laws in regard to the sale of prison-made goods will be in no wise affected by the legislation here proposed, while all that seek to interdict such sale within its own boundaries or which insist upon distinguishing labels or standards of quality will be furnished the protection of which they stand in dire need.

The effect of prison-made goods on business can not be arrived at by any calculation of percentages, but it is safe to say that this competition is most severely felt by a class least able to bear it.

Mr. CANNON. Will the gentleman allow me?

Mr. HENSLEY. Yes.

Mr. CANNON. I see this bill provides—

that all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or

storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent—

as the State law applies to convict-made goods manufactured within that State.

As I understand the bill, the interstate commerce is complete by delivery of the goods. That is, the commerce among the States is complete before the convict-made goods which come into the State become subject to the law of that State.

Mr. HENSLEY. The interstate commerce becomes complete by delivery to the consignee.

Mr. CANNON. By delivery to the consignee, and then the State law attaches.

Mr. HENSLEY. Yes.

Mr. CANNON. It seems to me that the State law would attach without this legislation.

Mr. HENSLEY. I will say to the gentleman from Illinois that some do make the argument that the State laws will attach, but the study I have made of the subject convinces me that perhaps the State law does not attach in all instances.

Mr. CANNON. I doubt very much whether it is in the power of Congress to make police regulations for a State. The only power we have is to regulate commerce among the States. I see no objection to the enactment of the bill, but I did want to make this remark in connection with the consideration, namely, that the commerce begins in one State and ceases in the other by delivery to the consignee. It is plain to me that under the police powers of the State they could make any regulation they choose touching the product found there, the interstate commerce having been accomplished. With that explanation I have no objection to the bill as far as I am concerned.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, replying to the gentleman from Illinois, if the gentleman from Missouri will permit, I think the gentleman from Illinois is mistaken. I think the power of Congress attaches to the article that is a part of interstate commerce as long as it is in the original package to the extent that the consignee may dispose of it even after arrival in the State. It has been quite a long time since I have had occasion to investigate the matter, but my recollection is that it was in the case of Brown against Maryland, quite a number of years ago, the court held that the article might not only be shipped into the State and delivered to the consignee, but as long as it was in the original package it would not be subject to the laws of the State.

So in the Wilson bill it was attempted, as the gentleman remembers, to withdraw the power of Congress from interstate commerce in intoxicating liquors and to provide that upon arrival in the State the liquor would be subject to the police power of the State.

Mr. CANNON. And delivered.

Mr. HUMPHREYS of Mississippi. No; the court read that into it, as I remember it. The court, as I recollect, held that that "arrival" in the statute meant upon arrival and delivery. Now, this bill proposes, following the exact language of the court, that after it arrives and is delivered, although it be in the original package, Congress will permit the States to step in with their police powers, notwithstanding the original package, and say that they will forbid the sale after the delivery.

Mr. CANNON. If the gentleman from Missouri will allow me, we are taking a good deal of his time——

Mr. HENSLEY. That is all right.

Mr. CANNON. I recollect the decision of the court which the gentleman refers to, and also the enactment of the Wilson law. The decision of the court was that the original package was not subject to State regulation until it was sold, but the court held, as I recollect, that when the act of commerce from one State to another was completed by delivery to the consignee in the State to which the shipment was made, that then under that legislation the State had the right under the police powers of the State to seize it, whether it was in the original package or not.

Mr. HUMPHREYS of Mississippi. No; if it was in the original package they could sell it. Now, this bill withdraws that limitation and permits the police powers of the State to apply before the sale, and to begin to apply upon the delivery of the goods to the consignee, notwithstanding they are in the original package. Of course, if the original package is destroyed then the State law would attach at once, but this will permit it to attach even if it is in the original package.

Mr. CANNON. I understand it is so in the Wilson law, but so that I may not be misunderstood I want to say that convict-made goods made in Illinois, for instance, and shipped into Iowa could not be seized the moment that they crossed the dividing line between Iowa and Illinois, but they must proceed to the consignee and be delivered to the consignee, and then they are subject to the police laws of the State itself, and subject to seizure, or any other disposition that the State may desire to provide.

Mr. HUMPHREYS of Mississippi. Not until an act of Congress says that. As long as it is in the original package it can not be seized. The purpose of this bill is to enable the power of the State to attach, although it may be in the original package.

Mr. KENDALL. It is to enable the State of Iowa to legislate on the subject respecting the shipment from Illinois into that State whenever it reaches Iowa in the original package.

Mr. HUMPHREYS of Mississippi. Without this legislation I think the power of the State would not apply.

Mr. KENDALL. Without this legislation the State of Iowa would not have any authority to enact the legislation.

Mr. AUSTIN. If the gentleman will allow me, I would like to inquire if this bill would cover convict-mined coal? Our State is very much interested in that subject, because they are using the State convicts to mine coal and selling it in competition with coal mined by miners.

Mr. HENSLEY. I do not think the language of this bill would permit it to be applied to coal at all.

Mr. WILLIS. Will the gentleman state why? The bill says "all goods, wares, and merchandise manufactured wholly or in part." Does not the gentleman think the application of labor to the raw material of coal is in a sense manufactured goods?

Mr. KENDALL. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. HENSLEY. I would like very much to have it so apply.

Mr. KENDALL. I am very much in sympathy with this legislation, but I should like to see it perfected to make it apply to the situation suggested by the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Will the gentleman modify his original request so as to insert the words "or produced"?

Mr. HENSLEY. On that proposition I would have to confer with the author of the bill.

Mr. AUSTIN. If the gentleman would accept the word "coal," I think it would be satisfactory. If not, I should have to object to the consideration of this bill.

Mr. KENDALL. The purpose of this committee is to formulate legislation which will give the respective States the right to control where convict goods are sought to be brought into competition with goods produced by free labor, and it is a very laudable purpose, as I view it. What we on this side are seeking to do by suggestions that have been advanced is this: The gentleman has provided here that all goods, wares, merchandise, manufactured wholly or in part by convict labor, shall, upon the entrance into a given State, be subject to the legislation of that State, and what we want to do is to extend this provision to include coal that may be mined by convict miners.

Mr. BOOHER. Why include coal? That is not a manufactured article.

Mr. KENDALL. It is produced, and it is the result of labor that has been applied to it. There is no more reason why a garden tool made by a convict laborer in Illinois should become subject to legislation in Iowa than there is why coal mined by convict labor in Tennessee should become so subject to legislation in Iowa.

Mr. BOOHER. I think there is all the difference in the world. Nobody ought to prevent people from getting coal. It is a necessary thing, and all people need it in the winter time. We all have to burn it in cold weather.

Mr. KENDALL. Coal is no more of a commodity than clothes.

Mr. BOOHER. That is true, but it is of a different character, and the labor upon it is of a different kind. It is used in different ways.

Mr. KENDALL. The gentleman does not mean to say there is any difference in the quality of labor applied to the making of garden tools than there is in the mining of coal?

Mr. BOOHER. Yes; there is. This bill is to apply to manufactured goods, such as clothing, overalls, and boots and shoes. The garment industry gives employment to women and girls of the working class and gives fair remuneration for their labor. They do not mine coal. It is to prevent that class of people being placed in competition with convict labor. I am for the protection of free labor.

Mr. KENDALL. I am not quarreling with the gentleman from Missouri on that proposition, but I see no reason why, if we are to extend the provisions of this bill to include the people engaged in the manufacture of overalls—and I am in favor of that—why we should not also extend it to include the men who are engaged in mining coal.

Mr. AUSTIN. Or cutting lumber.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. HENSLEY. Yes.

Mr. BOWMAN. I would like to ask the gentleman in charge of the bill whether there would be any more reason for permitting coal produced by free labor to compete with coal produced by convict labor or the reverse?

Mr. HENSLEY. I am forced to say to the gentleman that so far as I am concerned I would like very much to accept the amendments, but I must defer to the gentleman who introduced the bill upon that proposition.

Mr. COOPER. Would the gentleman agree to this amendment:

That all goods, wares, merchandise, manufactured, produced, or mined, wholly or in part—

And so forth?

Mr. CLARK of Florida. He said he would not.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, let me make this suggestion to the gentleman, that there would be no objection to the sale of coal mined by convicts unless the legislature of the State into which it is shipped should choose to impose some burden upon it; so that we leave it at last to the States, and if the States are in favor of cheap coal, they do not have to pass any legislation, although we give them the power to do it, and therefore I can see no special objection to it. In my State they work the convicts very largely on cotton plantations, and this would affect that, because any State that wanted to could impose a burden on the cotton that is so produced. This legislation does not impose the burden. It is left at last to the State. Personally I believe the convicts could be much better employed in building good roads than in producing cotton or working in the coal mines.

Mr. BOOHER. This bill refers only to manufactured goods. It does not pretend to touch coal, lumber, or anything else, and, so far as I am concerned, I shall not oppose putting any amendment to the bill that will protect free labor from competition of cheap convict labor. The place to work convicts is on our roads and highways.

Mr. WILLIS. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. WILLIS. The object of this bill, I understand, is to protect free labor against convict labor. Now, why is it not just as desirable to protect the free labor that is at work in the mine as it is to protect the free labor that is at work in a factory? The principle of the thing is the same.

Mr. BOOHER. I agree with the gentleman. There is no difference in principle.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Speaker, the first bill that is on the Calendar of Motions to Discharge Committees is a bill introduced by the gentleman from New Jersey [Mr. GARDNER], placed upon the Calendar of Motions to Discharge Committees by the gentleman from South Dakota [Mr. BURKE], which is identical to the bill now under consideration, so that if the Discharge Calendar has done nothing else it has forced that side of the House to report a bill for passage on this convict-labor-goods proposition, and my only regret is that the gentlemen are not willing to agree to a proposition to include mines——

Mr. BUCHANAN. Will the gentleman yield?

Mr. MANN. When I finish this statement I will. I do not propose to carry on the same sort of burlesque that has been carried on here. I will withdraw the word "burlesque"; I do not mean it that way, and will say opera bouffe. Mr. Speaker, so far as we have the power to control the shipment of convict-made goods from one State to another to prevent competition of convict-made goods with goods made by free labor, I am in favor of exercising the power. I shall vote for this bill, but with some regrets that it has not been examined more carefully as to its constitutionality. It follows the law with reference to the shipment of liquors into the States, and because the law that it follows concerning liquors was held to be constitutional, therefore they assume that this bill is constitutional. Liquor is an article that has to be judged by itself. How can you judge coal as to whether it is made by convict labor or by free labor by viewing the coal? How can you judge of boots and shoes, unless they are labeled as to how they are made, when you come to apply the law of a State? It is a question, in my judgment, as to whether this is a proper way or the only way in which you can get at the evil. But it is true that certain penitentiaries of the country are now engaged in the making of certain classes of products for the purpose, in the main, of shipping them out of the State. That is especially true of binding twine and especially true of boots and shoes and especially true of a number of other classes of goods where they are shipping them into other States for the purpose of coming into competition with free labor. We all know it is quite desirable that convicts in penitentiaries shall have something provided for them to do. They can not remain in idleness under any humanitarian form of government; but when they go into the manufacture of goods that come in competition with free labor it means the depreciation of price, it means in that case precisely the same thing that the importations under a cheap tariff means, that goods are brought in from a foreign country to compete with the goods made by free labor here, and there is no distinction in principle between making the transportation of convict-made goods free in this country and making the bringing in of foreign-made goods free to enter in competition with our own goods. [Applause on the Republican side.] I am opposed to both propositions and in favor, as far as possible, of upholding——

Mr. BATES. The dignity of labor.

Mr. MANN. As my friend from Pennsylvania suggests, the dignity of labor, but the dignity of labor is very little satisfaction to the man who labors unless he sees a reward for his labor which permits to live in happiness and comfort. [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. Will the gentleman permit me a question?

Mr. MANN. Certainly.

Mr. HUMPHREYS of Mississippi. I ask this for information. Is not it the law now that convict-made goods have to be labeled as such before they enter into interstate commerce?

Mr. BOOHER. I will say that some of the States have that kind of a law, but very few.

Mr. HUMPHREYS of Mississippi. I want to know if we have not such a law of the United States in regard to that?

Mr. MANN. I do not recall it.

Mr. WILLIS. There is a law of some States which requires the goods to be branded before they can be carried from one State to another.

Mr. HENSLEY. I will say to the gentleman, if he will permit, there are four or five States that have regulations of that character that require convict-made goods to be branded as such before they enter into interstate commerce.

Mr. MANN. I will say this, Mr. Speaker: Take a railroad company that is engaged in the transportation business; we have had numerous attempts to penalize a railroad company if they accepted certain classes of goods.

It is perfectly patent to the simplest mind that the railroad official who accepts the goods—the railroad agent—can not be expected to trace the goods back to their origin and can not know, unless the goods show on their face, what these goods are or where they come from. And all attempts to make penalties of that sort have failed to be enacted into law up to date, I think, simply because of the manifest impossibility.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 13 minutes remaining.

Mr. MANN. I yield four minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I have a peculiar and rather personal interest in this bill. When I came to Congress in the spring of 1897, I was very much impressed with the importance of doing something to prevent the transportation of convict-made goods from one State to another to compete with goods made by free labor. After struggling with prentice hands, I wrote a bill, which is this bill, with the exception of two words. I forgot that reformatories were penal institutions. In either the last session of the Fifty-fifth Congress or the first, perhaps, of the Fifty-sixth Congress, a bill was reported from the Committee on Labor by the gentleman from New Jersey [Mr. GARDNER], which was precisely like the bill that I had offered in the same Congress, except it had the words "or reformatories" added. The bill of the gentleman from New Jersey was passed by the House, but did not become a law. In the next Congress I reintroduced the bill, and on that occasion I "took," as territory has been taken in time, Mr. GARDNER'S words "or reformatories." And in four or five subsequent Congresses I introduced precisely this same bill. I did so because, as I say, I had a keen interest in free labor and wanted to prevent the competition of convicts. I may say also that I was not beyond the temptation of trying to do something that would make the labor vote friendly.

But it was a just and proper measure. And, looking still further afield, I wanted to compel States that used penal slaves for the manufacture of goods to consume their own products. I wanted all States forced finally to the putting of their convicts upon the highways, where they would compete less with honest workingmen and do more good to the community at large. [Applause.]

Among the convict-made goods that were coming into the State of Texas, when I was first elected to Congress, and doing great harm to the free labor of that State were boots and shoes made in prisons in the State of Missouri, and that was the par-

ticular and glaring instance that I had in mind when I drafted my first bill.

I am heartily in favor of the idea. I hope that the bill will pass. I sincerely hope that it will be found constitutional; I hope it will accomplish the purpose which the gentleman from Missouri [Mr. BOOHER] has in mind; and that it will relieve honest free labor from the competition of penal slaves. I hope, and I believe, that, without any amendment, this bill, with the language that it now carries, will protect honest miners against the competition of penal slaves in coal or other productions. [Applause.]

Mr. MANN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON of Minnesota. Mr. Speaker, I think perhaps some explanation of my objection to this bill when it was on the Unanimous Consent Calendar is due the House. I do not know whether this bill is a good one or not. I have very serious doubts as to whether many Members in the House know that. But I was very positive of one thing—that a bill involving a constitutional question, a bill involving investments of a great many of the States in twine plants and in various other manufacturing establishments, in which convicts are employed, ought not to be brought up here on the Unanimous Consent Calendar. My purpose in objecting to its consideration on that calendar was that I desired to give notice that that calendar must be preserved for the motions and bills which ought properly to come up under it. This bill ought to be considered upon a calendar where we could have ample opportunity for debate. It ought not to be brought up here by unanimous consent. It ought not to be brought up here on a motion to suspend the rules and pass it, as it is now. I have no objection to the bill, so far as I know, but I would like to see a reasonable opportunity for debate in an orderly manner.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, we have had in my State—Tennessee—and especially in the eastern end of it, convict labor in the mines for about 30 or 40 years. We have about 1,500 convicts mining coal and about a thousand within the walls of the penitentiary in the various manufacturing plants. Every dollar's worth of convict coal and every article manufactured in the prison shops come in direct competition with the same articles produced by free or honest labor. This bill seeks to give relief to those men who are engaged in the manufacturing lines, and if there is a class of people that need and deserve relief along these lines it is the men who work in the coal mines and who are engaged in a hazardous employment.

Now, when the last panic was on, known generally as the "Roosevelt panic" [laughter], we had 5,000 free miners, honest miners, walking the camps daily without employment for months. In that campaign I went into a mining camp where they had three days' labor in three months, but right over at Brushy Mountain, where the State of Tennessee, to its disgrace and shame, was employing 1,500 convict miners, these convicts were working every day except Sundays. And when the railroads in Georgia invited bids for their annual supply of fuel in competition with the bids of men who represented companies that were giving employment to honest, law-abiding miners, who had families to support and who bore the burdens and responsibilities of citizenship, the State of Tennessee's bid was far below the bid of any private corporation, and as a result during those trying times the convict miners of Tennessee were always busy, while the honest, law-abiding miners were walking the streets of the mining villages hungry, and their families were in need and their children were barefooted, and many even unable to attend the public schools.

Mr. BOOHER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. AUSTIN. I do.

Mr. BOOHER. Whose panic did I understand the gentleman to say was the panic of 1907? [Laughter on the Democratic side.]

Mr. AUSTIN. I said the so-called Roosevelt panic, named after a candidate that the Democrats seem very anxious that our party shall select at Chicago, but whom we do not propose to nominate. [Laughter on the Republican side.]

Mr. AKIN of New York. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. AUSTIN. Yes; I will, if there is not any dinner pail in it. [Laughter.]

Mr. AKIN of New York. I desire to ask the gentleman if the dinner pail during the Roosevelt administration was not a little larger than it is now under the present administration?

Mr. AUSTIN. I only know that the dinner pail was not reduced in size until the Republican Party lost control of this House and the tariff campaign of the gentlemen on the other side began. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Speaker, it gives me a great deal of pleasure to see the time arrive when the House of Representatives gets an opportunity to pass upon this particular piece of legislation. Since I first came here I have been engaged in an effort to get this bill before the House for consideration. Up to this time, by one means or another, it has been possible to prevent it

I do not suppose that there are many Members of the House who know how generally the convict-made goods enter into the affairs of the people of this Nation. I know I was almost horror-stricken to find at one time that the United States Government itself was trafficking in convict-made goods, and was buying mail bags from the penitentiary of the State of New Jersey, and had been doing it so long that the people who were engaged in that business in private enterprise had been driven out of it by the convicts of the State penitentiary doing work for the Government of the United States. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, have I two minutes remaining?

The SPEAKER. The gentleman has three minutes.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. JACKSON] one minute.

The SPEAKER. The gentleman from Kansas [Mr. JACKSON] is recognized for one minute.

Mr. JACKSON. Mr. Speaker, I am in hearty accord with all that has been said about this bill by the gentleman from Illinois [Mr. MANN]. I am heartily in favor of the bill and the object that is sought to be obtained by it, and I shall vote for it. But I have very grave doubts as to its constitutionality.

I have always believed that the power of Congress over interstate commerce was supreme, and if it is, this bill is constitutional. If I had been going to draft the bill, I should have said that these commodities should have the protection of interstate shipments removed from them. I would have sought to remove the interstate character of the shipments. I believe that kind of a law would be constitutional, provided Congress has the power to do that upon all commodities. The courts have sustained laws removing the interstate character of intoxicating liquors, powder, dynamite, wild game, and other commodities which are peculiarly subject to the local police laws, but they have never gone so far as this law, including commodities of common use.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Speaker, I am in favor of this legislation for the additional reason that it will encourage the authorities of our municipalities, our counties, and our States to put the men to work who are now in our penal institutions. There has been a prejudice against such labor on account of the fact that the product of it comes into competition with paid labor. I believe every man who goes into a penal institution and idles away his time comes forth a worse man than he went in, and I believe every man who goes into a penal institution and goes to work comes out a better man. We are all sentenced to work. I believe that work is a corrective and that all men who are sent to jails and penal institutions ought to be kept at work. The passage of this bill will make uniform and systematize the disposal of the products of convict labor, so that men under sentence can be put to work and at the same time the interests of men who work for wages will not be hurt or jeopardized.

Mr. MANN. I yield the balance of my time to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, the gentleman from Kansas [Mr. JACKSON] seems to be in doubt about the constitutionality of this measure. I rise simply to call his attention to a case that he may not have examined, in re Rahrer, reported on page 545 of 140 United States, which seems to be on all fours with this matter here, and I believe there is no doubt about the constitutionality of this measure.

In the second place, I am in favor of this bill because I believe it is based upon a right principle. I believe that a question of this kind ought to be settled by the local authorities. This simply says that where a State has made regulations concerning the sale of convict-made goods those regulations shall apply. It seems to me that is a reasonable and proper principle.

In the third place, I am in favor of this bill because it affords a measure of protection for free labor against cheap convict labor.

I am in favor of the bill and hope it will pass.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. HENSLEY. I ask unanimous consent to amend the bill in line 3, page 1, following the word "manufactured," by inserting a comma and the words "produced or mined"; also, on page 2, in line 2, following the word "manufactured," to insert a comma and the words "produced or mined."

The SPEAKER. The gentleman from Missouri asks unanimous consent to modify his motion in a manner which the Clerk will report.

The Clerk read as follows:

Page 1, line 3, after the word "manufactured," insert a comma and the words "produced or mined."

On page 2, in line 2, after the word "manufactured," insert a comma and the words "produced or mined."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The original proposition is modified in the respect named. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill was passed.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2453. An act for the relief of Benjamin F. Martz, and for other purposes.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 5, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimate of an appropriation for Navy wireless telegraph stations for the fiscal year ending June 30, 1913 (H. Doc. No. 590); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, pursuant to river and habor act of June 25, 1910, copy of contract with Chesapeake & Albemarle Canal Co. for purchase of canal owned by said company (H. Doc. No. 589); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 20347) to construct a dam across White River at or near Cotter, Ark., reported the same with amendment, accompanied by a report (No. 389), which said bill and report were referred to the House Calendar.

Mr. JONES, from the Committee on Insular Affairs, to which was referred the bill (H. R. 20049) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," reported the same with amendment, accompanied by a report (No. 390), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 21023) for the relief of Charles J. Allen, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOON of Tennessee: A bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. BRADLEY: A bill (H. R. 21280) for the relief of the heirs of those civilian employees of the Government who were killed by the explosion of gunpowder and 13-inch shell at the United States naval magazine, Iona Island, N. Y.; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 21281) authorizing the Secretary of War to enlarge Fort Bliss, the Army post at El Paso, Tex., into a regimental post; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 21282) to further regulate the exclusion of undesirable aliens from admission into the United States; to the Committee on Immigration and Naturalization.

By Mr. LEWIS: A bill (H. R. 21283) to extend the Conduit Road; to the Committee on Appropriations.

By Mr. CARY: A bill (H. R. 21284) permitting persons whose employment or business necessitates their absence from their respective States at presidential elections to vote for presidential electors in such other State as they may be on election day; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. PRAY: A bill (H. R. 21285) providing for appropriation for survey of public lands in the counties of Chouteau, Hill, Blaine, Valley, Dawson, Fergus, Rosebud, and Custer, in Montana; to the Committee on Appropriations.

By Mr. MARTIN of South Dakota: A bill (H. R. 21286) to amend the act to regulate commerce, approved February 4, 1887; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: A bill (H. R. 21287) to construct and place a lightship near Block Island, in the State of Rhode Island; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: A bill (H. R. 21288) for the relief of the police and firemen's pension funds, District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 21289) to provide for the retirement of members of the police and fire departments; to the Committee on the District of Columbia.

By Mr. GREEN of Iowa: A bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: A bill (H. R. 21291) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

By Mr. BARCHFELD: A bill (H. R. 21292) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 21293) with relation to inherited estates in the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 21294) to equitably adjudicate the land-suit controversy in the eastern judicial district, Oklahoma; to the Committee on Indian Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 21295) to amend sections 5 and 11 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 438) to name the House Office Building Jefferson Hall; to the Committee on Rules.

By Mr. BORLAND: Resolution (H. Res. 439) requesting the Attorney General to transmit certain papers with reference to Leslie J. Lyons; to the Committee on the Judiciary.

By Mr. UTTER: Memorial from the General Assembly of Rhode Island, in favor of the establishment of a lightship near Block Island; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Memorial from the State Legislature of New York, favoring militia-pay bill presented by Mr. SMITH of New York; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: Memorial from the Legislature of New York, favoring the militia-pay bill; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21296) granting an increase of pension to Wilson S. Fouts; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 21297) granting an increase of pension to John B. Thompson; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 21298) for the relief of the dependent mother of Henry Sloat, civilian employee of the Government, who died from injuries received while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 21299) for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United States naval magazine at Iona Island, N. Y.; to the Committee on Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 21300) granting an increase of pension to Lloyd Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21301) granting an increase of pension to Frederick Hansen; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21302) for the relief of Mrs. I. C. Parker; to the Committee on Military Affairs.

By Mr. DOREMUS: A bill (H. R. 21303) granting a pension to Mary A. Seele; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 21304) granting a pension to Fred J. Bruce; to the Committee on Pensions.

Also, a bill (H. R. 21305) granting an increase of pension to Mary Corcoran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21306) granting an increase of pension to John C. Hagen; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 21307) granting a pension to John Marshall; to the Committee on Pensions.

Also, a bill (H. R. 21308) granting an honorable discharge to Phillip St. Seve, alias Phillip Sanzaebel; to the Committee on Military Affairs.

By Mr. FAIRCHILD: A bill (H. R. 21309) granting an increase of pension to Melvina W. Smith; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 21310) for the relief of Solomon Lunsford; to the Committee on Military Affairs.

Also, a bill (H. R. 21311) for the relief of Isaac Musser; to the Committee on Military Affairs.

Also, a bill (H. R. 21312) for the relief of W. J. Flannery, jr.; to the Committee on Military Affairs.

Also, a bill (H. R. 21313) for the relief of Allen Conley; to the Committee on Military Affairs.

Also, a bill (H. R. 21314) for the relief of James Black; to the Committee on Military Affairs.

Also, a bill (H. R. 21315) for the relief of Robert Ross; to the Committee on Military Affairs.

Also, a bill (H. R. 21316) granting an increase of pension to Joseph H. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21317) granting an increase of pension to Thomas M. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21318) granting an increase of pension to George M. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21319) granting an increase of pension to Noah L. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21320) granting an increase of pension to A. J. Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21321) granting an increase of pension to Joseph Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21322) granting an increase of pension to John R. Evans; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 21323) granting a pension to William R. Trull; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 21324) providing for the refund of certain duties incorrectly collected on a certain horse; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 21325) granting an increase of pension to Samuel Baughman; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 21326) granting a pension to Chattie Houston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21327) granting an increase of pension to Matilda Vreeland; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 21328) granting an increase of pension to James H. D. Goodwin; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 21329) granting an increase of pension to Charles T. Crawford; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21330) granting an increase of pension to Colly T. Parido; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 21331) granting a pension to Henry Ruby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21332) for the relief of the estate of Susanna Fleming; to the Committee on War Claims.

By Mr. McGILLICUDDY: A bill (H. R. 21333) to remove the charge of desertion from the naval record of John C. Warren, alias John Stevens; to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 21334) granting an increase of pension to Benjamin Fowler; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 21335) granting an increase of pension to Eli Hovis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21336) granting an increase of pension to William G. Birch; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 21337) granting an increase of pension to William H. Terry; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 21338) granting a pension to Mary Sheehe; to the Committee on Pensions.

By Mr. NYE: A bill (H. R. 21339) granting an increase of pension to Oscar V. Coffey; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 21340) granting an increase of pension to Christian H. Buckwalter; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21341) granting an increase of pension to Jerome French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21342) granting an increase of pension to Sylvester B. Van Duser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21343) granting an increase of pension to Farington Ferguson; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 21344) granting a pension to Daniel H. Robey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21345) to remove the charge of desertion from the record of Hiram Taylor; to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 21346) for the relief of the legal representatives of James Calliham; to the Committee on War Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 21347) for the relief of Cyrus Carpenter; to the Committee on Military Affairs.

Also, a bill (H. R. 21348) granting a pension to Josephine Hall; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas (by request): A bill (H. R. 21349) for the relief of the heirs of James S. Bain, deceased; to the Committee on War Claims.

Also, a bill (H. R. 21350) for the relief of widow and heirs of J. H. Weatherall, deceased; to the Committee on War Claims.

Also (by request), a bill (H. R. 21351) for the relief of the widow and heirs of J. A. Ramsey, deceased; to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 21352) granting a pension to John C. Stratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 21353) to correct the military record of Herman Neff and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 21354) granting a pension to Francis M. Phares; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 21355) to carry out the findings of the Court of Claims in the case of Herbert O. Dunn; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of residents of St. Petersburg, Fla., for legislation prohibiting interstate traffic in liquors; to the Committee on the Judiciary.

Also, memorial of the German-American Alliance of Missouri, protesting against prohibition or interstate liquor legislation; to the Committee on the Judiciary.

Also, petitions of labor organizations in the island of Porto Rico, for legislation declaring that all citizens of Porto Rico shall be citizens of the United States, etc.; to the Committee on Insular Affairs.

By Mr. ANDERSON of Minnesota: Petition of C. P. Russell & Son and 7 others, of Eyota, Minn., against extension of

the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of citizens of Isleta, Ohio, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of E. G. Vanatta, of Newark, Ohio, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of citizens of the Bronx, New York City, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, memorial of the Fancy Leather Goods Manufacturers' Association of New York City, in favor of Booher bill; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the North Side Board of Trade, of the city of New York, favoring the proposition to improve the East River from Battery to Throggs Neck; to the Committee on Rivers and Harbors.

Also, memorial of Franklin Union, No. 23, International Printing Pressmen's and Assistants' Union of North America, asking a change in the Smoot printing bill so as to provide for an increase of 10 cents per hour for pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. BARCHFELD: Petition of the South Hungarian Beneficial Association of Ambridge, Pa., against any prohibition or interstate commerce liquor measure now pending; to the Committee on the Judiciary.

By Mr. BATES: Petition of Albert H. Snow, of Centerville, Pa., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Erie Lodge, No. 620, Improved Order B'nai B'rith, of Erie, Pa., protesting against Dillingham Immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Paul Dean, of Boston, Mass., against proposed tariff on shellac in the Underwood bill; to the Committee on Ways and Means.

Also, petition of Men's Work League of Erie, Pa., urging passage of the Esch phosphorus bill; to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of the State of South Dakota, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Petition of 25 citizens of the town of Richfield, Wis., praying for the passage of a parcel-post measure, and protesting against the removal or a reduction in the present tax on oleomargarine; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Sheboygan Falls, Wis., in favor of House bill 14, providing for a parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolution of George Leland Edgerton Camp, No. 32, United Spanish War Veterans, of Beaver Dam, Wis., praying for the passage of House bill 17470, granting a pension to widows of Spanish War veterans; to the Committee on Pensions.

Also, resolutions of the General Fishermen's Association at their convention in Cleveland, Ohio, praying for the passage of House bill 18788; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Gesangverein Harmonie of Plymouth, Wis.; of the Deutcher Americaner Verein of Oconto, Wis.; and of the Stadt Verband of Racine, Wis., protesting against the interstate commerce liquor measure now pending; to the Committee on the Judiciary.

Also, resolutions of the Wisconsin Buttermakers' Association, protesting against a reduction in the present tax on oleomargarine; to the Committee on Agriculture.

By Mr. BYRNS of Tennessee: Petitions of citizens of Davidson County, Tenn., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CALDER: Petition of Local Union No. 68, A. F. G. W. U., for an investigation of conditions in Lawrence, Mass.; to the Committee on Rules.

Also, petition of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen in the Government Printing Office; to the Committee on Printing.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Julius Grossman and Thomas Fitzgerald, of Brooklyn, N. Y., protesting against passage of House bills 11380 and 11381; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: Resolutions of citizens of Leflore County, Okla., protesting against the damming of Poteau River at or near its mouth; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of C. R. Van Hise, president of the Wisconsin University, indorsing the Lever bill providing for Federal aid to State agricultural schools; to the Committee on Agriculture.

Also, memorial of Cigar Makers' Union No. 25, Milwaukee, Wis., indorsing House bill 17253, exempting from revenue tax cigars used by employees of manufacturers; to the Committee on Ways and Means.

Also, petition of the South Milwaukee General Merchants' Association, South Milwaukee, Wis., protesting against the establishment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Petitions of citizens of the State of Florida, for an American Indian memorial and museum building in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: Petition of sundry citizens of Pittsburgh, Pa., and vicinity for the building of ships in United States navy yards; to the Committee on Naval Affairs.

Also, petitions of Young Men's Christian Association and the First Methodist Episcopal Church of McKeesport, the United Evangelical Church of Valencia, the First Christian Church of Wilkinsburg, and the Douglas Woman's Christian Temperance Union, of North Side, Pittsburgh, all in the State of Pennsylvania, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of McKeesport, Pa., for interstate legislation; to the Committee on the Judiciary.

By Mr. DOREMUS: Petition of citizens of the State of Michigan, for passage of Berger old-age pension bill; to the Committee on Pensions.

By Mr. DRAPER: Memorial of Union No. 23, International Printing Pressmen and Assistants' Union of North America, for increased compensation for pressmen and assistants in the Government Printing Office; to the Committee on Printing.

Also, petition of Brotherhood of First Presbyterian Church of Brunswick, N. Y., for retaining tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Fancy Leather Goods Manufacturers' Association, of New York, for enactment of House bill 5601; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolutions of the Wisconsin Retail Hardware Association, against extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FAIRCHILD: Petition of H. W. Clark and others, of Sidney, N. Y., relative to Senate bill 3953 and House bill 16313, for the erection of an American Indian memorial and museum building in Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. FOSS: Memorial of the Willard Christian Temperance Union, of Evanston, Ill., remonstrating against the repeal of the anticanteen law; to the Committee on Military Affairs.

By Mr. FULLER: Petition of A. M. Barnhart, of Chicago, Ill., for an annual appropriation for the construction of two battleships; to the Committee on Naval Affairs.

Also, petition of D. W. Grove and other citizens of Marseilles, Ill., opposing any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Joe O. Stewart, of Streator, Ill., for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, papers to accompany House bill 19438, for the relief of George H. Merrill; to the Committee on Invalid Pensions.

By Mr GARDNER of Massachusetts: Petition of Colchester Council, No. 5, Junior Order United American Mechanics, of Salisbury, Mass., and of Indian Hill Council, No. 11, Junior Order United American Mechanics, of West Newbury, Mass., favoring the adoption of the illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of Post 50, Grand Army of the Republic, of Peabody, Mass., protesting against the incorporation of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. GARNER: Petition of J. M. Hoopes and other citizens of Rockport, Tex., for the improvement of the harbor at Aransas Pass, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOOD: Petitions of the congregations of the Friends Church, the First United Evangelical Church, the United Brethren Church, the Methodist Church, the Congregational Church, and the Central Church of Christ, all of Marshalltown, Iowa, urging the speedy passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAMILTON of West Virginia: Petition of Liberty Street Methodist Episcopal Church South, of Parkersburg, W. Va., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Petitions of churches and residents of the State of Connecticut, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petitions of St. Johns Chapel, of Nordhoff, and of consistory of Christian Reformed Church, of Englewood, N. J., and of Baptist Church of Demarest, N. J., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KENNEDY: Petitions of the First Congregational Church of Salem, Iowa, and of the First Methodist Episcopal Church of Washington, Iowa, for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the German Roman Catholic Benevolent Association, of Fort Madison, Iowa, protesting against the attitude of the House Committee on Indian Affairs in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. KINKAID of Nebraska: Petition of Patrons of Husbandry of Sargent, Nebr., urging the passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kearney, Nebr., urging the passage of House bill 8141, Federal militia pay bill; to the Committee on Military Affairs.

Also, petition of J. N. Boyd, of Jess, Nebr., in favor of House bill 14, known as the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Buda, Gibbons, and Kearney, Nebr., and of Gothenburg (sixth congressional district), Nebr., urging the passage of House bill 16689, validating sales of part of right of way of Union Pacific Railroad; to the Committee on the Public Lands.

By Mr. LAWRENCE: Petition of the Congregational Church of Williamsburg, Mass., for passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. LEVY: Petition of Manhattan Camp, No. 1, Department of New York, United States War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petitions of P. Reilly & Son and Board of Trade of Newark, N. J.; the Cincinnati (Ohio) Commercial Association and the Commercial Club of Indianapolis, Ind., relative to proposed International Congress of Chambers of Commerce to be held in Boston, Mass.; to the Committee on Foreign Affairs.

By Mr. LEWIS: Petition of the congregation of Grace Reformed Church of Pleasant Hill, Md.; and of the consistory of Grace Reformed Church of Frederick, Md., praying the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of citizens of St. Joseph, Minn., protesting against the Stephens resolution providing for an investigation of certain matters in the Indian Department; to the Committee on Indian Affairs.

Also, petition of citizens of Brainerd, Minn., for passage of House bill 14; to the Committee on the Post Office and Post Roads.

Also, petition of A. J. Zuercher, of Melrose, Minn., protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petitions of City Council of Omaha and Century Literary Club of South Omaha, Nebr., for enactment of House bill 9242; to the Committee on Reform in the Civil Service.

Also, petition of Mrs. Ida Goucher and others, of Merriman, Nebr., for enactment of Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Omaha (Nebr.) Post Travelers' Protective Association, protesting against parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of South Omaha (Nebr.) Central Labor Union, protesting against practice of working enlisted men in the navy yards; to the Committee on Naval Affairs.

Also, Petition of A. W. Clark, of Omaha, Nebr., for a domestic immigration policy; to the Committee on Immigration and Naturalization.

Also, petition of the German-American Alliance of Nebraska, remonstrating against enactment of prohibition or interstate liquor legislation; to the Committee on the Judiciary.

By Mr. McHENRY: Petitions of Woman's Christian Temperance Union, of Millville, Pa., and First Methodist Episcopal Church of Mount Carmel, Pa., asking for the speedy passage of the Kenyon-Sheppard interstate liquor bills (S. 4043, H. R. 16214) to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of the Commercial Club of East Moline, Ill., for extension of free-delivery service to the smaller cities; to the Committee on the Post Office and Post Roads.

By Mr. MALBY: Petition of Mountain View Grange, No. 992, protesting against repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of German Catholic State Organization, of South Dakota, protesting against attitude of Committee on Indian Affairs in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

By Mr. MATTHEWS: Petitions of the Grace Methodist Episcopal, Free Methodist, and First United Presbyterian Churches and Church of God, New Brighton, Pa.; also, First United Presbyterian Church of Beaver, Pa.; First United Presbyterian Church of Rochester, Pa.; Fallston Union Mission and Woman's Christian Temperance Union, of Fallston, Pa.; and from the Reformed Presbyterian and Presbyterian Churches of Beaver Falls, Pa., all favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Lawrence County Branch of the German-American Alliance, of New Castle, Pa., and from the South Hungarian Association, of Ambridge, Pa., protesting against the passage of any of the pending interstate liquor measures; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of farmers in the vicinity of Colby, Wis., in favor of retaining the present tax on oleomargarine; to the Committee on Agriculture.

By Mr. MOTT: Petition of Fancy Leather Goods Manufacturers' Association of New York, for passage of House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of Willet H. Vary, master of New York State Grange, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of New York State Grange, against any change in laws governing sale of oleomargarine; to the Committee on Agriculture.

Also, petition of Local No. 125, Metal Polishers and Brass Plate Workers' Union, for a commission on industrial relations; to the Committee on Labor.

By Mr. NYE: Resolutions of the Minneapolis Produce Exchange, favoring enactment of House bill 17936 to establish standard packages and grades for apples; to the Committee on Coinage, Weights, and Measures.

Also, petition of German Roman Catholics of Loretto, Minn., protesting against attitude of House Indian Committee in regard to measures relating to Catholic Indian mission interests; to the Committee on Indian Affairs.

Also, petition of Local No. 24, International Brotherhood of Electrical Workers, of Minneapolis, Minn., favoring construction of one battleship in Government navy yard; to the Committee on Naval Affairs.

By Mr. OLDFIELD: Petitions of citizens and churches of Arkansas, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PARRAN: Papers to accompany bill for the relief of Myers T. Boucher (H. R. 20457); to the Committee on Claims.

By Mr. PATTEN of New York: Resolutions of Franklin Union, No. 23, International Printing Pressmen's and Assistants' Union of North America, urging an amendment to the Smoot printing bill so as to provide for an increase of 10 cents per hour for pressmen in the Government Printing Office; to the Committee on Printing.

By Mr. PRAY: Petition of residents of Havre, Mont., favoring amendment to homestead law allowing three years' residence and extending time for cultivation according to financial condition of homesteaders; to the Committee on the Public Lands.

Also, petition of citizens of the State of Montana, for amendment to the corporation-tax law; to the Committee on Ways and Means.

By Mr. PUJO: Memorial of Seventh-day Adventist Church of Jennings, La., remonstrating against enactment of House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of Dwight (Ill.) Motor Club, favoring a Lincoln highway; to the Committee on Appropriations.

Also, petition of J. L. Tober and other citizens of Medora, Ill., against oleomargarine bill; to the Committee on Agriculture.

By Mr. RAKER: Petition of citizens of the State of California, for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of citizens of Connecticut, in favor of the Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Drake Hardware Co., of Burlington, Iowa; of the Sickels, Preston & Nutting Co., of Davenport, Iowa; of the Luthe Hardware Co., of Des Moines, Iowa; of the E. L. Wilson Hardware Co., of Beaumont, Tex.; and of the Emery-Waterhouse Co., of Portland, Me., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Michigan Retail Hardware Association, against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Anna P. Bradley, treasurer of the New Haven Branch of the Connecticut Indian Association, indorsing House bills 16802 and 18244; to the Committee on Indian Affairs.

Also, petition of Charles W. Bevin, of East Hampton, Conn., remonstrating against the repeal of the anticanteen law; to the Committee on Military Affairs.

By Mr. SCULLY: Petitions of the Woman's Christian Temperance Unions and churches of the State of New Jersey, for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of New Market, N. J., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petition of John A. Ingham, of New Brunswick, N. J., for parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. J. M. C. SMITH: Petitions of residents of Quincy, Brighton, and Fulton, Mich., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Waldron, the Methodist Episcopal Church of Lickley Corners, the Methodist Episcopal Church of South Pittsford, the Masonic Lodge of Waldron, the Woman's Christian Temperance Union and Pythian Sisters of Waldron, the Woman's Literary Society of Waldron, and the Waldron and East Wright Wesley Methodist Churches, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of citizens of Albion and Kalamazoo, Mich., for passage of Berger old-age pension bill; to the Committee on Pensions.

Also, petitions of the Edwards & Chamberlain Hardware Co., of Kalamazoo, Mich.; of S. F. R. Kedseie and B. A. Bowditch, of Pittsford, Mich.; of Larkin Co., Buffalo, N. Y.; and of American League of Associations protesting against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: Petition of citizens of New York, against extension of parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petitions of citizens of Miles, Tex., for constitutional amendment prohibiting manufacture and sale of intoxicants as a beverage, etc.; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Cigar Makers' Joint Unions of Greater New York, for exemption from taxation of cigars supplied employees by the manufacturers thereof; to the Committee on Ways and Means.

Also, petition of Manhattan Camp, No. 1, Department of New York, United Spanish War Veterans, for passage of House bill 17470; to the Committee on Pensions.

Also, petitions of D. W. Tallman, of Buffalo, N. Y., and Bottlers and Manufacturers' Association of New York, for reduction in duties on sugar; to the Committee on Ways and Means.

Also, resolution of the Fancy Leather Goods Manufacturers' Association of New York, indorsing House bill 5601; to the Committee on Interstate and Foreign Commerce.

Also, petition of "Cammeyer," of New York, N. Y., protesting against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of Union No. 23, International Printing Pressmen's and Assistants' Union of North America, for increased compensation to pressmen and assistants employed in the Government Printing Office; to the Committee on Printing.

Also, petitions of Detroit (Mich.) Board of Commerce and the Business Men's Club of Cincinnati, Ohio, relative to proposed international congress of chambers of commerce to be held in Boston, Mass.; to the Committee on Foreign Affairs.

By Mr. TALCOTT of New York: Petition of the First Methodist Episcopal Church of Ilion, N. Y., for passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petition of the Central Labor Union of Meriden, Conn., favoring the passage of House bill 5970, restoring to civil-service employees the right to petition Congress; to the Committee on Reform in the Civil Service.

By Mr. TOWNER: Petition of Miner Chase and other citizens of Allerton, Iowa, against parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of C. S. Stryker and other citizens of Creston, Iowa, favoring the passage of House bill 16214; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Maryland Association of Certified Public Accountants, protesting against employment by the United States Government of chartered accountants to exclusion of certified public accountants; to the Committee on Expenditures in the Navy Department.

Also, petition of citizens of Pennsylvania and New York, protesting against passage of parcel-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of the Woman's Christian Temperance Unions of Horseheads and Waterloo, N. Y., in favor of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Switchmen's Union, No. 144, for passage of House bill 13911; to the Committee on Interstate and Foreign Commerce.

By Mr. UTTER: Petition of certain masters, pilots, and owners of vessels for the establishment of a lightship near Block Island, R. I.; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. L. Weiser and 12 other citizens of Providence, R. I., favoring the construction of one battleship in a Government Navy Yard; to the Committee on Naval Affairs.

Also, petition of Rhode Island Independence Chapter, Daughters of the American Revolution, favoring House bill 19641, to provide for the publication of certain Revolutionary records; to the Committee on Appropriations.

SENATE.

TUESDAY, *March 5, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF DISTRICT EXCISE BOARD (H. DOC. NO. 594).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, the report of the operations of the excise board of the District of Columbia for the license year ended October 31, 1911, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 4521. An act to authorize the change of the name of the steamer *William A. Hawgood;* and

S. 4728. An act to authorize the change of name of the steamer *Salt Lake City.*

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes;

S. 3211. An act authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy; and

S. 4151. An act to authorize the Minnesota & International Railway Co. to construct a bridge across the Mississippi River at or near Bemidji, in the State of Minnesota.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5601. An act to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 16306. An act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war;

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;